

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**FIRST**  
**EXTRAORDINARY**  
**SESSION OF 1981**

**HELD IN THE CITY OF MONTGMERY,  
COMMENCING TUESDAY, AUGUST 4, 1981**



**WITH AN INDEX PREPARED BY THE  
SECRETARY OF THE SENATE**

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To facilitate research in the Senate Journal, the following information is included at the end for your convenience.

1. List of registered lobbyists, with lobby group affiliation;
2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
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4. A topic index of general bills listed alphabetically by subject matter;
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**FIRST LEGISLATIVE DAY**

**TUESDAY, AUGUST 4, 1981**

BE IT REMEMBERED, that on the 4th day of August, A.D., 1981, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA**  
**PROCLAMATION**  
**BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 5:00 O'clock P. M., Tuesday, August 4, 1981, and I do hereby designate the following subjects and matters, which I as Governor deemed necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. A Constitutional Amendment relating to State Budgets and State Appropriations and providing for the timely transmittal by the Governor to the Legislature of state budgets and the timely passage by the Legislature of bills making the necessary and basic state appropriations.

2. Legislation relating to State Budgets and State Appropriations and providing for the timely transmittal by the Governor to the Legislature of state budgets and the timely passage by the Legislature of bills making the necessary and basic state appropriations.

3. Legislation to make appropriations for the support of public education in the State of Alabama.

4. Local Legislation.

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IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 31st day of July, 1981.

FOB JAMES,  
Governor.

ATTEST:

DON SIEGELMAN,  
Secretary of State.

Pursuant to such proclamation, at the hour of 5 o'clock P. M. on Tuesday, August 4, 1981, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable George McMillan, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend R. Lawson Bryan, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Hilliard	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

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LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Hall for today.

RESOLUTIONS

Mr. St. John offered the following Senate Resolution, to-wit:

S. R. 1. SUSPENDING PORTION OF SENATE RULE 2.

BE IT RESOLVED BY THE SENATE That that part of Senate Rule 2, which states "The Senate shall meet at 12 o'clock noon on the first day of any organizational, special, or regular session", shall be suspended for this special session only.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. St. John then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the President and Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John, Keener, and Proctor.

Mr. St. John then offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P. M. on August 4, 1981, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Denton, McDonald, and Pearson.

Mr. St. John then offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. RELATING TO THE PRINTING OF ACTS.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Acts of the First Special Session of 1981 be bound with the printed Acts of any future special sessions of 1981.

On motion of Mr. St. John, the Rules were suspended and the Resolution was adopted by the Senate.

#### NOTICES IN WRITING

Mr. McDonald offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

"Notice is hereby given that on the next legislative day a Motion in Writing will be introduced to amend Senate Rule 76 to read as follows:

"76. The Secretary shall not employ any person as a page who is under the age of fourteen (14) years, and said rule shall be rigidly enforced."

Which was read and ordered spread upon the Journal.

Mr. McDonald then offered the following Notice in Writing, to-wit:

#### NOTICE IN WRITING

"Notice is hereby given that on the next legislative day a Joint Resolution will be introduced to add a Joint Rule of the Legislature to read as follows:

"24. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house of origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

"In the event of minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

"In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house."

Which was read and ordered spread upon the Journal.

#### RESOLUTION

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. PROCLAIMING THE DATES OF SEPTEMBER 4 THROUGH SEPTEMBER 7, 1981 AS S.O.B.E.R. DAYS IN ALABAMA.

WHEREAS, sixty percent of all traffic fatalities in Alabama involve alcohol, a figure that is substantially greater than the national average, and

WHEREAS, alcohol-related accidents account for millions of dollars in property damage and immeasurable human suffering every year; and

WHEREAS, increased public awareness and citizen involvement are the keys to controlling the problem of drinking and driving; and

WHEREAS, the National Council on Alcoholism is a voluntary public health organization which focuses on problems stemming from alcohol abuse; and

WHEREAS, The Alabama Division of the National Council on Alcoholism is conducting a public awareness campaign to reduce the number of alcohol-related highway deaths in Alabama during the Labor Day Weekend, September 4, through September 7, 1981; and

WHEREAS, civic organizations, businesses and other groups representing thousands of Alabamians have joined forces with the Alabama Division of the National Council on Alcoholism to make this campaign a success, a campaign which slogan is S.O.B.E.R., "Slow on the Bottle, Enjoy the Road"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Alabama Division of the National Council on Alcoholism and the many organizations assisting in the S.O.B.E.R. campaign and we further urge all Alabamians to go Slow on the Bottle and Enjoy the Road over the Labor Day Weekend, 1981.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That hereby the dates of September 4 through September 7, 1981 are proclaimed as S.O.B.E.R. Days in Alabama.

On motion of Mr. Callahan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Robertson, Martin, and deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. COMMENDING MAYOR WILLIAM H. TUCK FOR HIS MORE THAN THREE DECADES OF SERVICE TO THE CITY OF EUTAW.

WHEREAS, it is with deep gratitude and warm sincere praise that the Alabama Legislature notes Mr. William H. Tuck's dedicated service, for more than three decades, to the City of Eutaw, Alabama; and

WHEREAS, a Greene County native, Mr. Tuck is a graduate of Greene County High School and attended Auburn University; as a Disciple of Christ, he is a member of the Eutaw Christian Church, which he serves as Elder and as Chairman of the Board, and he is a charter member, for 41 years, and past president of the Lions Club; and

WHEREAS, in service to the City of Eutaw, Mr. Tuck was a City Councilman for four years, from 1944 to 1948, and served in Mayoral capacity for thirty-two years, three months and fourteen days from 1948 until January of 1981; and

WHEREAS, Mayor Tuck, who retired upon appointment to the Greene County Racing Commission, ended his illustrious tenure of municipal service

with a multitude of accomplishments to his credit, all of which greatly benefited the citizens of his beloved City of Eutaw; and

WHEREAS, the City of Eutaw flourished under his outstanding leadership, and numbered among his many achievements are Eutaw's excellent system of paved roads, police and fire protection, water and sewerage systems, and fiscal stability; and

WHEREAS, in further service to his community, Mr. Tuck is a past president of the Chamber of Commerce, Past Worshipful Master of the Masonic Lodge, President of the Local Service Salvation Army Unit, Chairman of the Greene-Hale County Gas District, Executive Committeeman of West Alabama Emergency Medical Service, member of the Greene County Historical Society, County Chairman of U. S. Savings Bond Sales and a member of the Auburn Alumni Committee; and

WHEREAS, Mayor Tuck has also served as president of both the League of Municipalities and the West Alabama Planning and Development Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise the Honorable William H. Tuck of Eutaw, Alabama, and direct that he receive a copy of this resolution, tendered in praise and in recognition of his outstanding service to the City of Eutaw and the entire State of Alabama.

BE IT FURTHER RESOLVED That a copy of this resolution be placed in the Eutaw City Hall Council Meeting Chamber.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. COMMENDING ROGERS CUNNINGHAM BARNES ON HIS OUTSTANDING SERVICE AND RETIREMENT.

WHEREAS, on October 1, 1943, Eliza Coffee Memorial Hospital opened its doors to serve the citizens of Northwest Alabama, and

WHEREAS, on July 15, 1944, Mr. Rogers Cunningham Barnes came to work at the hospital as Controller and was shortly thereafter made Chief Executive Officer as General Manager, and

WHEREAS, Eliza Coffee Memorial Hospital grew from a 50 bed hospital to a 592 bed health care center under the leadership of R. C. Barnes, and

WHEREAS, in 1952 the first skilled nursing home operated by and as an adjunct to a hospital in Alabama was opened under the leadership of R. C. Barnes, and

WHEREAS, in 1970 the Riverbend Mental Health Center was opened with in-patient care provided by the hospital, and was brought about with the help of R. C. Barnes, and

WHEREAS, R. C. Barnes has served as President of the Alabama Hospital Association and has received its Distinguished Service Award conferred on him by his peers, and

WHEREAS, R. C. Barnes is recongnized as a community leader in Florence and Lauderdale County;

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THEREFORE, BE IT RESOLVED, the Alabama Legislature, the Senate and House, honor Rogers Cunningham Barnes who retired on May 31, 1981, and express our desire for his continued support and leadership and express our desire for a long and happy retirement for this great Alabamian and health care provider.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton:

S. 1. To eliminate the permit application and fee for domestic and foreign corporations under sections 40-14-21 and 40-14-22 Code of Alabama, 1975 and to amend section 10-2A-282(a) (20) Code of Alabama, 1975 to increase the annual report fee from five to twenty-five dollars.

Committee on Judiciary.

By Mr. Denton:

S. 2. To make a conditional supplemental appropriation to the Office of Secretary of State for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Denton:

S. 3. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the current fiscal year and for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Cook (with notice and proof):

S. 4. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

Committee on Judiciary.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 4, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. St. John and Cook:

S. 5. To appropriate \$1,200,000.00 from the public land fund in the state treasury to the Cullman County Board of Education for the purpose of reconstructing the burned out Vinemont School in the county, the provisions of Section 9-15-17, Code of Alabama 1975, to the contrary notwithstanding.

Committee on Finance and Taxation.

By Mr. St. John:

S. 6. To further amend Section 41-9-3 of the Code of Alabama 1975, relating to the Alabama State Council on the Arts and Humanities, so as

to bring the employees of such Council under the provisions of the Merit System.

Committee on Finance and Taxation.

By Mr. Smith:

S. 7. To amend Section 41-6A-3 of the Code of Alabama 1975, as last amended, which provides for the creation and organization of the Alabama department of energy so as to remove the option that the director of the department has to become a member of the Alabama state employees retirement system.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 8. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

Committee on Judiciary.

By Messrs. Barron, Holmes, Harrison, Taylor, Kirkland, Parsons, Robertson and Little:

S. 9. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Martin:

S. 10. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Committee on Governmental Affairs.

By Messrs. White, Kirkland, Proctor, Barron, Goodwin, Higginbotham, Callahan, Cook and Parsons:

S. 11. To amend Section 12-15-1, Code of Alabama 1975, so as to remove felonies and violations of the conservation and natural resources laws from the definition of a delinquent act when committed by one 16 years of age or older; to amend Section 12-15-30, Code of Alabama 1975, so as to grant jurisdiction to the juvenile court of those offenses transferred to it by other courts; to amend Section 12-15-33, Code of Alabama 1975, so as to provide for the transfer of a child to the juvenile court from other courts unless the child has previously been convicted of a felony in the adult court or has been transferred to the adult court pursuant to the provisions of Section 12-15-34, Code of Alabama 1975; and, to amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 years of age or older may be transferred to the adult court for any crime, to provide that a finding of probable cause by the juvenile court in a transfer hearing held pursuant to



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his section shall preclude the necessity of a preliminary hearing in the adult court, and to further provide that the transfer of a child 14 years of age or older to the adult court shall terminate the jurisdiction of the juvenile court over such child.

Committee on Judiciary.

By Mr. Lemaster:

S. 12. To amend Section 16-11-3 of the Code of Alabama 1975 relating to the appointment of members of the board of education by the municipal governing body, so as to provide that by local law the legislature may provide that such members may be elected by the qualified voters as prescribed by such local law.

Committee on Education.

By Mr. deGraffenried:

S. 13. To repeal Sections 136 and 137 of the Alabama Business Corporation Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, p. 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, so as to eliminate the requirement of filing annual reports by certain domestic and foreign corporations with the Secretary of State.

Committee on Judiciary.

By Messrs. deGraffenried, Gulledge and Callahan:

S. 14. To appropriate \$250,000.00 from the state general fund to the state oil and gas board for the fiscal year ending September 30, 1982 for the general operations of the board.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 15. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Committee on Judiciary.

By Mr. Callahan:

S. 16. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

Committee on Finance and Taxation.

By Messrs. Callahan, St. John, Gulledge, Little, Proctor, Kirkland, Cook, Harrison and Martin:

S. 17. To propose a constitutional amendment creating a reserve fund to be administered by the state treasurer under the direction of a select committee.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Higginbotham, Barron, Goodwin, Callahan, Mitchem, Little, White, Lemaster, Smith, Martin, Miller, Bailey, Vacca, St. John, Cook, Gullledge and McDonald:

S. 18. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

Committee on Business and Labor Relations.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Martin, St. John and deGraffenried:

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 providing for withholding of salaries and expense allowances of certain elected public officials indicted for felonious offenses pending a determination of their guilt or innocence and providing for forfeiture of such compensation if found guilty and for recoupment of such compensation if found innocent.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Mitchem and Lemaster:

S. 20. To amend further Section 40-12-414 and Section 40-12-421, Code of Alabama 1975, which regulates and licenses automotive dismantlers and parts recyclers, so as to provide further for said regulation and licensing.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mitchem:

S. 21. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Mitchem:

S. 22. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Committee on Governmental Affairs.

By Messrs. Mitchem, Denton, Callahan and Cook:

S. 23. Providing that a state department or agency must have the approval of the state building commission before selling or purchasing any

state land except for such land purchased through eminent domain.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 24. To amend Section 5-19-15 of the Code of Alabama 1975, relating to garnishment, so as to conform to the federal statute.

Committee on Judiciary.

By Mr. Gulledge:

S. 25. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments for local improvements to property, so as to adjust interest rates with respect to the payment of said municipal improvement assessments, and to provide an effective date.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 26. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Committee on Judiciary.

By Mr. Hilliard:

S. 27. To provide for a supplemental appropriation to Lawson State Junior College.

Committee on Finance and Taxation.

By Mr. Hilliard:

S. 28. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

Committee on Judiciary.

By Mr. Hilliard:

S. 29. To provide for a reduction in the printing of ballots by amending Section 17-8-25 of the Code of Alabama, 1975, and for a permanent public record to be kept of box-by-box and precinct vote totals.

Committee on Governmental Affairs.

By Mr. Hilliard:

S. 30. To establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 31. To make a supplemental appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1981, from the general fund of the state treasury.

Committee on Finance and Taxation.

By Messrs. Pearson, Higginbotham, Kirkland, Martin, Keener, Barron, White, Teague, Bailey, St. John and Vacca:

S. 32. To propose an amendment to the Constitution of Alabama of 1901 (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1983, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this Amendment prohibiting final passage of certain bills in either house may be made inapplicable by four-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of the Amendment prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in the Amendment shall be construed as requiring the Legislature to make any appropriation not otherwise required by the Constitution to be made.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Pearson:

S. 33. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

Committee on Finance and Taxation.

By Messrs. Pearson, Proctor, Little, Gullette, Miller, Teague, Denton, Smith, Goodwin, McDonald, Lemaster, Taylor and Parsons:

S. 34. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Little:

S. 35. To propose an amendment to Amendment No. 161 to the Constitution of Alabama of 1901, to increase the number of trustees of Auburn University and to provide for their appointment.

Committee on Education.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Britnell (with notice and proof):

S. 36. Relating to Marion County; amending Act No. 79-642, H. 940, 1979 Regular Session (Acts 1979, p. 1124), which provides for clerical assistance for the tax assessor and tax collector, so as to increase the number and compensation of said clerical assistance.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 36, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor:

S. 37. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

Committee on Judiciary.

By Mr. Keener:

S. 38. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 39. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

Committee on Finance and Taxation.

By Messrs. Robertson, Harrison, Barron and Holmes:

S. 40. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Mr. St. John:

S. 41. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

Committee on Agriculture, Conservation,  
and Forestry.

By messrs. McDonald, Mitchem and Gulledge:

S. 42. To create the Wildlife Heritage Committee and prescribe its powers, terms of office, and duties; to provide for meetings, per diem and mileage allowances; to provide for a Wildlife fund and the expenditures therefrom.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Martin:

S. 43. To amend section 3 of Act 81-700 to exempt leases of public lands belonging to the state in amounts not exceeding \$2,000 from advertising and appraisal.

Committee on Governmental Affairs.

By Mr. Britnell:

S. 44. To prescribe that the members of the House of Representatives and the Senate must pass the general fund budget bill and the special educational trust fund bill no later than the twenty-fifth legislative day or forfeit all legislative pay, in excess of that constitutionally guaranteed, and all expense allowances.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 45. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Committee on Judiciary.

By Mr. Denton:

S. 46. To amend Act No. 81-868, S. 238, Regular Session 1981, which provides for the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers, so as to further provide for certain limitations on such overtime pay or compensatory leave and to provide a definition for the term law enforcement officer.

Committee on Governmental Affairs.

By Mr. Kirkland (with notice and proof):

S. 47. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal

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Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 47, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Kirkland (with notice and proof):

S. 48. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 48, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Kirkland (with notice and proof):

S. 49. Relating to Escambia County; amending Sections 1 and 2 of Act No. 205, S. 375, 1969 Regular Session (Acts 1969, p. 524), as amended, relating to pistol permit fees in certain counties classified on a population basis, so as to increase the amount of such fees and provide further for the use thereof.

Committee on Local legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 49, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Higginbotham and Little (with notice and proof):

S. 50. Relating to the Cities of Lanett and Valley in Chambers County; to authorize a contractual agreement between said cities relating to the distribution of certain taxes on sales by public utilities within the overlapping police jurisdiction of said cities and to ratify any such prior agreement.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 50, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 51. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts. 1977, pp. 1249 and 1250).

Committee on Local Legislation No. 2.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 52. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 52, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 53. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next terms of office of said officers and the beginning of each term of office of said officers hereafter.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 53, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 54. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 54, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 55. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for



Employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 55, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Mitchem (with notice and proof):

S. 56. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 56, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Parsons:

S. 57. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alledged parole violations, so as to provide further for the holding of such parole courts.

Committee on Judiciary.

By Mr. Mitchem (with notice and proof):

S. 58. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 58, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Lemaster (with notice and proof):

S. 59. Relating to the City of Scottsboro, Jackson County, Alabama; providing for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be elected as herein provided; and providing for the election of such school board if approved in the referendum.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 59, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. White:

S. 60. To provide that beginning with the 1981-82 school year driver education shall not be a requirement for graduation; to provide that county and city boards of education may offer driver education subject to such rules and regulations as the state board of education may adopt; and to repeal Section 16-40-5 of the Code of Alabama 1975, relating to driver education requirements and conflicting laws.

Committee on Education.

By Mr. White:

S. 61. To provide further for requirements in the redemption of land sold for taxes, so as to prescribe that certain lawful charges shall be paid to the purchaser of vendee, including the State of Alabama, in the same manner as Sections 6-5-235, 6-5-236, 6-5-237 and 6-5-244 of the Code of Alabama 1975.

Committee on Judiciary.

By Mr. Kirkland:

S. 62. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building, and prescribing felony punishment for such acts.

Committee on Judiciary.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Pardons and Parole Board.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 4th day of August, 1981.

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To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Ealon M. Lambert (replacing Sara Sellers)  
Route 2, Box 222A  
Wetumpka, Alabama 36092

as a member of the State Pardons and Parole Board for the term expiring on  
June 30, 1987.

Respectfully,  
FOB JAMES,  
Governor.

Done this 4th day of August, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an  
appointment to the State Pardons and Parole Board, was read and referred to  
the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to  
appointments to the State Banking Board.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 4th day of August, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. John Gittings (replaced Mureal Crump)  
Washington County State Bank  
P. O. Box 298  
McIntosh, Alabama 36553

Mr. Jim Green (replaced Sara C. Sellers)  
Central Bank  
P. O. Box 1315  
Scottsboro, Alabama 35768

as members of the State Banking Board for the terms expiring February 1, 1987.

Respectfully,

FOB JAMES,  
Governor.

Done this 4th day of August, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the State Banking Board, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment of the Alabama Educational Television Commission.

Respectfully submitted,

BOB A DAVIS,  
State Administrations Officer.

Done this 4th day of August, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following:

Mrs. Gene McLain  
4101 Peidmont Drive, S.E.  
Huntsville, Alabama 35801

as a member of the Alabama Educational Television Commission for the term expiring June 25, 1991.

Respectfully,

FOB JAMES,  
Governor.

Done this 4th day of August, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

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MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Air Pollution Control Commission.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 4th day of August, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. Margaret Cameron McDonald (replaced Camille Wright Cook)  
403-1200 Beacon Parkway, East  
Birmingham, Alabama 35209

as a member of the Air Pollution Control Commission for the term expiring on October 1, 1984.

Respectfully,

FOB JAMES,  
Governor.

Done this 4th day of August, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Air Pollution Control Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama Real Estate Commission.

Respectfully,

BOB A DAVIS,  
State Administrations Officer.

Done this 4th day of August, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. E. B. Odom, Jr.	(Term expires 9/30/84)
P. O. Box 29	Effective 10/1/81
Opelika, Alabama 36801	

Mr. W. M. Tonsmeire	(Term expires 9/30/86)
P. O. Box 590	Effective 10/1/81
Mobile, Alabama 36601	

as members of the Alabama Real Estate Commission.

Respectfully,  
FOB JAMES,  
Governor.

Done this 4th day of August, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, August 4, 1981, they adjourn to meet again on Wednesday, August 5, 1981; when they adjourn on Wednesday, August 5, they adjourn to meet again on Thursday, August 6; and when they adjourn on Thursday, August 6, they adjourn to meet again on Tuesday, August 11, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Willis, Stewart and Seibels.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. St. John and Keener.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P. M. on Tuesday, August 4, 1981 for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Representatives Biddle, Harper (T) and Cosby.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

## S. J. R. 4. RELATING TO THE PRINTING OF ACTS.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTION

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. COMMENDING MR. CLARENCE TURNIPSEED OF BREWTON, ALABAMA, PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

WHEREAS, it is with utmost pleasure that the Alabama Legislature notes the selection of Mr. Clarence Turnipseed of Brewton, Alabama, as President of the Alabama Bankers Association; and

WHEREAS, Mr. Turnipseed, a native of Union Springs, Alabama, is a graduate of Auburn University with a degree earned in agricultural engineering and in chemical engineering, as well; and

WHEREAS, following graduation and employment for a short while with the soil conservation service, Mr. Turnipseed joined the State Chamber of Commerce in Montgomery; in 1950, he became associated with the First National Bank of Tuscaloosa, remaining until 1965 at which time he joined the First National Bank of Brewton which he today serves as President and Chief Executive Officer; and

WHEREAS, Mr. Turnipseed's election to the presidency of the Alabama Bankers Association is an honor accorded by his peers and one which reflects the esteem in which he is held by banking officials throughout our entire State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly congratulate and commend Mr. Clarence Turnipseed, one of our State's most prominent bankers, as the new President of the Alabama Bankers Association.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Mr. Turnipseed that he may be aware of our sincere praise and warm personal regard.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

## RECESS

At 6:20 P. M., on motion of Mr. St. John, the Senate took a recess for the purpose of attending the Joint Session.



JOINT SESSION

The hour of 6:30 P. M. having arrived, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable Fob James.

The Session was called to order by the President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the Chair and delivered his address to the Legislature of Alabama.

ADDRESS OF

GOVERNOR FOB JAMES

ON AUGUST 4, 1981

The purpose of the Joint Session having been accomplished, and in accordance with motion heretofore adopted, at 6:50 P. M., the Senate re-assembled in the Senate Chamber, and was called to order by the Honorable George McMillan, president and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Hilliard	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

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RESOLUTIONS

Mr. Kirkland offered the following Senate Resolutions, to-wit:

S. R. 9. HONORING LAWRENCE THOMAS WEAVER, FIRE FIGHTER OF THE YEAR.

Also:

S. R. 10. NAMING A ROOM IN THE ESCAMBIA COUNTY BOARD OF EDUCATION BUILDING, BREWTON, ALABAMA, "THE HARRY WEAVER READING ROOM."

Which were adopted.

Mr. Gulledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. HONORING MR. JOHN S. WOOD UPON HIS RECENT RETIREMENT AS WASHINGTON COUNTY SUPERINTENDENT OF EDUCATION.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. John S. Wood as Washington County Superintendent of Education; and

WHEREAS, Mr. Wood's June 30th retirement brought to a close a long and prestigious career of 40 years of service as a teacher and as a superintendent in the public school system of the State of Alabama; and

WHEREAS, in recognition and in gratitude, a reception was held in Mr. Wood's honor at which time he was presented with a gift and a plaque of commendation from the employees of the schools of Washington County; and

WHEREAS, Mr. Wood is indeed deserving of utmost praise for his dedicated loyalty, devotion to duty and for his extraordinary accomplishments as one of our state's most outstanding educators; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. John S. Wood for outstanding service as a former teacher and Washington County Superintendent of Education; we further express our sincere gratitude for his many contributions to public education in Alabama and direct that he receive a copy of this resolution in token of our warm personal regard.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gulledge then offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. COMMENDING MRS. MARY BOYKIN, NAMED "WOMAN OF THE YEAR" BY THE CENTRAL BALDWIN CHAMBER OF COMMERCE.

WHEREAS, in pleased concurrence, the Alabama Legislature notes the selection of Mrs. Mary Boykin of Robertsdale, Alabama, as the Central Baldwin Chamber of Commerce "Woman of the Year"; and

WHEREAS, a resident of the Robertsdale Community since 1936, Mrs. Boykin is President of Saint Patrick's Sanctuary Society and, as described in her letter of nomination, is a "shining example of Christian womanhood and brotherly love"; and

WHEREAS, Mrs. Boykin, in loyal support, has been a faithful contributor to Saint Patrick's Church as well as to Saint Patrick's School, and has made generous donations also to numerous other benefits and causes in her community; and

WHEREAS, she is an active member of the Robertsdale Library, the Baldwin County Chapter of Alabama Cowbells, Alabama Wildlife Federation, VFW Auxiliary Post 5226, the American Legion Auxiliary Eastern Shore Unit 199, the Robertsdale Homemakers Extension Club, and numerous other civic, charitable and community organizations; and

WHEREAS, Mrs. Boykin and her husband of more than 50 years, Glen Boykin, are the parents of ten children, including one adopted daughter, and they have helped rear and educate two of their 26 grandchildren; they also have 13 great-grandchildren; and

WHEREAS, Mrs. Boykin's selection as "Woman of the Year" symbolizes the high regard of her entire community and the love and affection her neighbors and friends extended to one who has lived in care and concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mrs. Mary Boykin as the Central Baldwin Chamber of Commerce "Woman of the Year."

BE IT FURTHER RESOLVED, That Mrs. Boykin receive a copy of this resolution that she may be aware of our sincere warm praise and high regard.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Gulledge and St. John offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. COMMENDING MISS CINDY ST. JOHN OF FOLEY, ALABAMA, 1981 GIRLS STATE GOVERNOR.

WHEREAS, with great pleasure and in commendation, the Legislature of Alabama has noted that the 1981 Girls State gubernatorial election was won by Miss Cindy St. John of Foley, Alabama, who is the 2nd successive Foley High School student to be elected to the position; and

WHEREAS, Miss St. John's successful bid for Governor followed a vigorous campaign during which each of the candidates presented their platforms, promises and plans for progress in the problem areas of our state; and

WHEREAS, after winning the Nationalist Party nomination, Miss St. John defeated her Federalist Candidate, campaigning on a platform which included emphasis on the necessity of adequate state funding for mental health and for more local support to education; and

WHEREAS, impressive inaugural ceremonies, attended by Cindy's parents, Mr. and Mrs. Sewell St. John, highlighted the exciting week for some 250 delegates selected statewide to attend the annual Girls State in Montgomery; and

WHEREAS, a rising senior at Foley High School, Governor St. John plans to attend Troy State University following graduation, majoring in computer science and accounting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss Cindy St. John of Foley, Alabama, as Girls State Governor, 1981.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor St. John that she may know of our sincere congratulations, heartfelt praise and of our warm best wishes for every future success.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. COMMENDING MR. WARD A. ROGNELSON UPON HIS RETIREMENT AS CITY CLERK FROM THE CITY OF CHILDERSBURG, ALABAMA.

WHEREAS, in recognition of outstanding service, the City of Childersburg proclaimed July 31, 1981, as "Ward A. Rognelson Day" in honor of that municipality's retiring city clerk; and

WHEREAS, Mr. Rognelson, who retired from the United States Navy following a career of 24 years, served as city clerk for the City of Childersburg under Mayors Earl Rainwater, Robert Limbaugh and Ivan Smith; and

WHEREAS, a lifetime resident of the community he served, Mr. Rognelson's tenure as city clerk was marked with accomplishments through loyalty, dedication and devotion to duty; and

WHEREAS, we wish to be numbered among the many who have recognized the unique combination of talent, acumen and unselfishness manifested by Mr. Rognelson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ward A. Rognelson for his years of service to the people of the City of Childersburg and wish him well in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Rognelson and his wife Jane so that they may know of our admiration and high regard.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 8. HONORING THE ALABAMA ASSOCIATION OF SCHOOL OFFICE PERSONNEL AND DESIGNATING THE WEEK OF AUGUST 3RD "ALABAMA ASSOCIATION OF SCHOOL OFFICE PERSONNEL WEEK."

Also:

By Rep. Dixon:

H. J. R. 10. COMMENDING MR. TAYLOR J. PAYNE UPON HIS RETIREMENT AS EDUCATION SPECIALIST WITH THE ALABAMA STATE DEPARTMENT OF EDUCATION.

Also:

By Reps. Holmes, Jackson, Reed, Escott and Kennedy:

H. J. R. 11. HONORING DR. LEVI WATKINS UPON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolutions, H. J. R.'s 8, 10, and 11, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 3. COMMITTEE APPOINTED TO ESCORT GOVERNOR  
TO JOINT SESSION OF THE LEGISLATURE.

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

At 7 o'clock P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, August 5, 1981 at 1 o'clock P. M.

SECOND LEGISLATIVE DAY  
WEDNESDAY, AUGUST 5, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Jay Wolf, Assistant Pastor, First Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ealon M. Lambert to the State Board of Pardons and Paroles.

On motion of Mr. Higginbotham, the appointment of Mr. Lambert was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Barron	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Proctor	Weeks
Goodwin	Little	St. John	White
Hall			

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*Nays:* —0

### RESOLUTION

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. ADDING NEW JOINT RULE OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a new Joint Rule of the Legislature is hereby added to read as follows:

“24. A Committee on Conference to reconcile the difference on pending legislation between the two houses of the Alabama Legislature shall consist of six members, three of whom shall be members of the House, appointed by the Speaker thereof, and three from the Senate, to be appointed by the President of the Senate. The Committee on Conference shall not report unless there be an affirmative vote of at least four members which must consist of at least two votes by the conferees from each house. The report of the Committee on Conference shall be attached to the pending legislation and returned to the house of origin for such action as that house may deem appropriate. The house of origin may take one of the following courses of action:

a. They may concur in the Committee on Conference report and, in the event of this action, the bill and the Conference Committee report shall be sent to the other house for action.

b. The house of origin may reject the Conference Committee report, in which case the pending legislation is automatically void.

c. The house or origin may reject the report of the Committee on Conference and request that a new committee be appointed by the respective presiding officers.

“In the event the house of origin adopts the Committee on Conference report, the pending legislation, together with the report of the Committee on Conference, shall be submitted to the other house for action in the same manner as in the house of origin.

“In the event the minority wishes to submit a report, the house of origin shall first consider the majority report, after which it may then consider accepting the minority report.

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"In the event of a majority report rejection, the minority report may be considered and, if concurred in by the house of origin, the same shall be presented to the other house for action by that house."

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 3. COMMITTEE TO ESCORT THE GOVERNOR.

The Standing Committee on Rules reported the following substitute for the Resolution, H. J. R. 3, to-wit:

SUBSTITUTE FOR H. J. R. 3

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on Tuesday, August 4, 1981, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 3, as thus amended by the substitute, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 6. COMMENDING MR. HUGH BRANYON, PARK SUPERINTENDENT AT GULF STATE PARK, AND HIS ENTIRE STAFF.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Little offered the following Senate Joint Resolution, to-wit:



S. J. R. 16. MOURNING THE DEATH OF COLONEL B. CONN ANDERSON OF AUBURN, ALABAMA.

WHEREAS, it is with a deep sense of sorrow and regret that the Alabama Legislature notes the death of Colonel B. Conn Anderson of Auburn, Alabama, on May 21, 1981, at the age of 96; and

WHEREAS, a Texas native and an alumnus of the University of Texas at Austin, Colonel Anderson first lived in Auburn from 1925 until 1930 during a tour of duty with the ROTC, and during which time he was an organizer of the Auburn Kiwanis Club; and

WHEREAS, he returned to Auburn at the age of 60 following Army retirement and tours of duty at Fort Sill, Fort Bragg, Fort Benning and Hawaii, among others; prior to his U.S. Army career, which began in 1917 upon our country's entry into World War I, Colonel Anderson had worked on a farm, as a telephone lineman and was headmaster of a Texas military school; and

WHEREAS, during his years in Auburn, Colonel Anderson was deeply involved in numerous civic endeavors and was a member of the city's first Water Board, was chairman of the Lee County Tax Equalization Board, commissioner of the Auburn Boy Scout program and member of the area Alabama-Georgia council, president of Friends of the Library, president of the Inter-Club Council, and was a member of Auburn United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Colonel B. Conn Anderson, outstanding civic leader and beloved citizen of Auburn, Alabama.

BE IT FURTHER RESOLVED, That we extend our deep sympathy to his wife, Mrs. Sara B. Anderson, to their son, B. Conn Anderson, Jr., and daughters, Mrs. Sara Hudson and Mrs. Sue Lambert, to whom copies of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. HONORING MR. MILLARD DAWSON UPON HIS RETIREMENT AS CAMPUS SECURITY CHIEF, AUBURN UNIVERSITY.

WHEREAS, the Alabama Legislature has noted the announced August retirement of Mr. Millard Dawson following 30 years of service as Chief of Campus Security at Auburn University; and

WHEREAS, a Lee County native and a graduate of Auburn High School, Mr. Dawson attended Auburn prior to service in the United States Army during World War II, assigned to a military police unit as an MP; and

WHEREAS, Mr. Dawson then worked for the City of Auburn as a policeman from 1946 until 1951 when he accepted the position he now holds with the Auburn University campus security force which had been established some few years earlier at the suggestion of young Millard Dawson himself; and

WHEREAS, during his long tenure at Auburn, Chief Dawson's security force has grown from a staff of only three officers to its present composition of one Captain, two detectives, 11 patrolmen, 12 night watchmen and various support personnel, as well, while the University's enrollment has more than tripled from some 5,700 to over 18,000 students; and

WHEREAS, Chief Dawson has served Auburn University with utmost loyalty and devotion and has distinguished himself through his accomplishments for these past three decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Security Chief Millard Dawson of Auburn University, and direct that he receive a copy of this resolution evidencing our high regard and sincere gratitude for his long years of extraordinary service.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. COMMENDING DR. THOMAS BENJAMIN HAGLER UPON HIS RETIREMENT AS HEAD OF EXTENSION HORTICULTURE, AUBURN UNIVERSITY.

WHEREAS, Dr. Thomas Benjamin Hagler's outstanding contributions in the field of Horticulture have earned for him the greatest respect of his peers and he has also acquired a national reputation as a recognized authority on pecans and on vegetables, fruits, native and ornamental plants and turf as well; and

WHEREAS, Dr. Hagler's recent June 30, 1981 retirement as head of Extension Horticulture at Auburn University officially ended a long and prestigious career which started as a vocational agriculture teacher in Beatrice, Alabama, followed by a tenure at Lee County High School and his subsequent association with the agricultural Experiment Station at the University; and

WHEREAS, he has been a member of the Cooperative Extension Service staff at Auburn since 1960, following a two-year tenure at Clemson University as head of the Department of Horticulture; Dr. Hagler first served as head of Auburn's Extension Service's Plant Science Division and then in the position he held at retirement; and

WHEREAS, a Berry College transfer, Dr. Hagler received his agricultural education degree from Auburn and later acquired both a Master's degree and his Ph.D. degree in horticulture, also from Auburn University; and

WHEREAS, Dr. Hagler has authored and co-authored some 87 horticultural publications and has also written a weekly gardening column for The Birmingham News since 1962, a column he plans to continue in his retirement; and

WHEREAS, a long time member of the Kiwanis Club, Dr. Hagler plans to continue his active involvement in the organization's program and projects as well as his faithful service to the Auburn United Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Dr. Hagler on his

outstanding career, express gratitude for his loyalty to Auburn University and wish him every continued success in retirement.

BE IT FURTHER RESOLVED, That Dr. Hagler receive a copy of this resolution, tendered in praise and in token of our warm personal regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there in hereby created a joint interim committee to be composed of seven members of the House of Representatives and seven members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance and allocation of Federal Block Grants.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$15,000.

Which was read and referred to the Standing Committee on Rules.

Mr. Little offered the following Senate Resolutions, to-wit;

S. R. 20. HONORING AUBURN UNIVERSITY'S DR. WILLIAM MAEHL.

Also:

S. R. 21. COMMENDING MR. MARTIAL A. HONNELL UPON HIS RETIREMENT AS PROFESSOR OF ELECTRICAL ENGINEERING, AUBURN UNIVERSITY.

Also:

S. R. 22. MOURNING THE DEATH OF CHARLES AUSTIN BEASLEY OF OPELIKA, ALABAMA.

Which was adopted.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hall:

S. 63. To provide that the health form for pre-school children required by the department of education shall be sufficient for any other state agency or political subdivision requiring health forms; and to specifically repeal any rule, regulation or law in conflict with the provisions of this act.

Committee on Education.

By Mr. Hall:

S. 64. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Committee on Education.

By Mr. Hall:

S. 65. To provide further for the election of the directors of any water-works board incorporated under Title 11, Chapter 50, Article 8, Code of Alabama 1975, which serves four or more counties.

Committee on Governmental Affairs.

By Mr. Vacca:

S. 66. To provide a supplemental appropriation from the general fund to the Department of Youth Services, Roebuck Campus for capital outlay purposes.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 67. To provide further for the administration, operation and maintenance of county jails so as to prescribe that the responsibility therefor shall be borne by the State of Alabama; to provide that such county jails shall be administered, maintained and operated by the prison commissioner or his designee in the same manner as are state prisons; and to provide that the costs therefor shall be from the general fund of the state treasury from funds appropriated for state prisons.

Committee on Judiciary.

By Mr. Parsons:

S. 68. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Committee on Governmental Affairs.

By Mr. Taylor (with notice and proof):

S. 69. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax collector, tax assessor and probate judge; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 69, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Pearson:

S. 70. To amend Section 2, Subsection D, 31, of Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to change the appropriation for the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 71. To amend Section 20-2-80, Code of Alabama 1975, which relates to trafficking in certain illegal drugs, so as to include the drug methaqualone within the section.

Committee on Judiciary.

By Mr. Parsons:

S. 72. To prohibit an individual or business entity from holding himself out as selling a controlled substance when in reality said substance is not a regulated controlled substance; and to provide criminal penalties for violating this Act.

Committee on Judiciary.

By Mr. Gullledge:

S. 73. To appropriate \$400,000 from the public land fund in the state treasury to the Marine Resources Division of the Department of Conservation and Natural Resources for marine research and conservation measures, the provisions of Section 9-15-17, Code of Alabama 1975, to the contrary notwithstanding.

Committee on Finance and Taxation.

By Mr. Robertson:

S. 74. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Committee on Finance and Taxation.

By Mr. Robertson:

S. 75. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of

control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Committee on Finance and Taxation.

By Mr. Weeks:

S. 76. To provide for the delivery of services to the poor and disadvantaged; to permit counties and municipalities to form county or multi-county, nonprofit, public corporations; to authorize such corporations to implement programs and to construct, maintain, equip, and operate facilities; to provide that such programs and facilities be used in accordance with standards and criteria established by federal and state agencies, boards, and institutions from which grants or contracts may be received so as to eliminate the paradox of poverty in the midst of plenty and to join with other areas of Alabama and the nation in a concerted effort to eliminate poverty by opening to everyone the opportunity of education and training, the opportunity to work, and the opportunity to live in decency and dignity; to provide for the powers, authorities, and duties of such corporations; to authorize said corporations to enter into contracts with any agency for the purpose of carrying into effect the above; to authorize local governing bodies to appropriate moneys for the support of such facilities and programs; to authorize such corporations to assume the facilities, programs, equipment, property and funds from the existing community action agency in particular areas of the state which were organized as a private non-profit corporation under the provisions of the Economic Opportunity Act of 1964, as amended; and to repeal any existing law which is in conflict with this act.

Committee on Finance and Taxation.

By Mr. White:

S. 77. To amend the "Hazardous Wastes Management Act of 1978", as amended by Act No. 81-863, Acts of Alabama 1981 (Regular Session), so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration.

Committee on Health and Welfare.

By Mr. Weeks (with notice and proof):

S. 78. To authorize the governing body of Macon County to impose a county license tax or fee on persons for the privilege of engaging in or following certain trades, occupations, or professions in such county, provided the levy is first approved at a referendum election held for such purpose; providing for the levy and collection of such licenses, for the enforcement thereof, and for the administration of this Act.

Committee on Local Legislation No. 1.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 78, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit;

By Mr. Pearson:

S. 31. To make a supplemental appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1981, from the general fund of the state treasury.

By Messrs. Pearson, Proctor, Little, Gulledge, Miller, Teague, Denton, Smith, Goodwin, McDonald, Lemaster, Taylor and Parsons:

S. 34. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

By Mr. Pearson:

S. 33. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

By Messrs. Barron, Holmes, Harrison, Taylor, Kirkland, Parsons, Robertson and Little:

S. 9. To provide salary increases for certain state employees and to appropriate funds therefor.

By Mr. St. John:

S. 6. To further amend Section 41-9-3 of the Code of Alabama 1975, relating to the Alabama State Council on the Arts and Humanities, so as to bring the employees of such Council under the provisions of the Merit System.

By Messrs. deGraffenried, Gulledge and Callahan:

S. 14. To appropriate \$250,000.00 from the state general fund to the state oil and gas board for the fiscal year ending September 30, 1982 for the general operations of the board.

By Mr. Callahan:

S. 16. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

By Messrs. Robertson, Harrison, Barron and Holmes:

S. 40. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

By Mr. Britnell:

S. 44. To prescribe that the members of the House of Representatives and the Senate must pass the general fund budget bill and the special educational trust fund bill no later than the twenty-fifth legislative day or forfeit all legislative pay, in excess of that constitutionally guaranteed, and all expense allowances.

By Mr. Denton:

S. 2. To make a conditional supplemental appropriation to the Office of Secretary of State for the fiscal year ending September 30, 1982.

By Mr. Denton:

S. 3. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the current fiscal year and for the fiscal year ending September 30, 1982.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 60. To provide that beginning with the 1981-82 school year driver education shall not be a requirement for graduation; to provide that county and city boards of education may offer driver education subject to such rules and regulations as the state board of education may adopt; and to repeal Section 16-40-5 of the Code of Alabama 1975, relating to driver education requirements and conflicting laws.

By Mr. Lemaster:

S. 12. To amend Section 16-11-3 of the Code of Alabama 1975 relating to the appointment of members of the board of education by the municipal governing body, so as to provide that by local law the legislature may provide that such members may be elected by the qualified voters as prescribed by such local law.

By Mr. Little:

S. 35. To propose an amendment to Amendment No. 161 to the Constitution of Alabama of 1901, to increase the number of trustees of Auburn University and to provide for their appointment.

The above Bill was read a second time at length as required by the Constitution.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook (with notice and proof):

S. 4. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

By Mr. Parsons:

S. 8. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for



coverage to certain employees who are employed less than full-time by the State of Alabama.

By Mr. deGraffenried:

S. 15. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

By Messrs. Martin, St. John and deGraffenried:

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 providing for withholding of salaries and expense allowances of certain elected public officials indicted for felonious offenses pending a determination of their guilt or innocence and providing for forfeiture of such compensation if found guilty and for recoupment of such compensation if found innocent.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Gullledge:

S. 26. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

By Mr. Hilliard:

S. 28. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

By Mr. Parsons:

S. 57. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

By Mr. Kirkland:

S. 62. To prohibit the acts of shooting or discharging a firearm, explosive, or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building, and prescribing felony punishment for such acts.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. St. John and Cook (With Amendment):

S. 5. To appropriate \$1,200,000.00 from the public land fund in the state treasury to the Cullman County Board of Education for the purpose of reconstructing the burned out Vinemont School in the county, the provisions of Section 9-15-17, Code of Alabama 1975, to the contrary notwithstanding.

By Mr. Hilliard (With Amendment):

S. 27. To provide for a supplemental appropriation to Lawson State Junior College.

By Messrs. Pearson, Higginbotham, Kirkland, Martin, Keener, Barron, White, Teague, Bailey, St. John and Vacca (With Amendment):

S. 32. To propose an amendment to the Constitution of Alabama of 1901 (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1983, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this Amendment prohibiting final passage of certain bills in either house may be made inapplicable by four-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of the Amendment prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in the Amendment shall be construed as requiring the Legislature to make any appropriation not otherwise required by the Constitution to be made.

The above Bill was read a second time as length as required by the Constitution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 7. To amend Section 41-6A-3 of the Code of Alabama 1975, as last amended, which provides for the creation and organization of the Alabama department of energy so as to remove the option that the director of the department has to become a member of the Alabama state employees retirement system.

By Mr. Gulledge:

S. 25. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments for local improvements to property, so as to adjust interest rates with respect to the payment of said municipal improvement assessments, and to provide an effective date.

By Mr. Martin:

S. 43. To amend section 3 of Act 81-700 to exempt leases of public lands belonging to the state in amounts not exceeding \$2,000 from advertising and appraisal.

By Mr. Martin:

S. 10. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

By Mr. Mitchem:

S. 22. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the State Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Mitchem, Denton, Callahan and Cook (With Substitute):

S. 23. Providing that a state department or agency must have the approval of the state building commission before selling or purchasing any state land except for such land purchased through eminent domain.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 46. To amend Act No. 81-868, S. 238, Regular Session 1981, which provides for the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers, so as to further provide for certain limitations on such overtime pay or compensatory leave and to provide a definition for the term law enforcement officer.

By Mr. Hilliard:

S. 29. To provide for a reduction in the printing of ballots by amending Section 17-8-25 of the Code of Alabama, 1975, and for a permanent public record to be kept of box-by-box and precinct vote totals.

By Mr. Keener:

S. 38. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

## ADJOURNMENT

At 4 o'clock P.M., Mr. St. John moved that the Senate adjourn until Thursday, August 6, 1981, at 10 o'clock A.M.

Mr. White offered a substitute motion that the Senate adjourn until Thursday, August 6, 1981, at 9 o'clock A.M., which motion was lost.

The question then recurred on the motion of Mr. St. John, which was adopted, and at 4:02 P.M., in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 6, 1981, at 10 o'clock A.M.

FIRST EXTRAORDINARY SESSION  
3rd Day

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THIRD LEGISLATIVE DAY

THURSDAY, AUGUST 6, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Steve Jussely, Assistant Minister, First Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	
Glass			

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 6. COMMENDING MR. HUGH BRANYON, PARK SUPERINTENDENT AT GULF STATE PARK, AND HIS ENTIRE STAFF.

Also:

H. J. R. 8. HONORING THE ALABAMA ASSOCIATION OF SCHOOL OFFICE PERSONNEL AND DESIGNATING THE WEEK OF AUGUST 3RD "ALABAMA ASSOCIATION OF SCHOOL OFFICE PERSONNEL WEEK."

Also:

H. J. R. 10. COMMENDING MR. TAYLOR J. PAYNE UPON HIS RETIREMENT AS EDUCATION SPECIALIST WITH THE ALABAMA STATE DEPARTMENT OF EDUCATION.

Also:

H. J. R. 11. HONORING DR. LEVI WATKINS UPON HIS RETIREMENT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Relative to appointing a legislative committee to notify the Governor that the legislature is now in session.

Also:

H. J. R. 4. Relative to legislative meeting dates from August 5, 1981, through August 11, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kirkland:

S. 79. To amend Section 36-30-20 of the Code of Alabama 1975, as last amended by Act No. 81-661, H. 578, of the 1981 Regular Session, which defines the term "state trooper" for compensation for death or disability from occupational diseases, so as to include law enforcement officers of the state forestry commission within said definition.

Committee on Finance and Taxation.

By Mr. Cook:

S. 80. To authorize constables to hire deputies; and to provide for the compensation, duties and term of office of such deputy.

Committee on Governmental Affairs.

By Mr. Barron:

S. 81. To amend Act No. 81-258, Acts of Alabama, Regular Session 1981, so as to repeal Section 2 of the Act which provides that sums collected in excess of the rate of interest provided by statute shall be deposited in the general fund.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 82. To amend Act No. 81-770, S. 561, 1981 Regular Session, which created the Mental Health Capital Outlay Oversight Commission, so as to provide further for the compensation and clerical assistance of the commission and to provide for its retroactive effect.

Committee on Finance and Taxation.

By Messrs. Hall and Parsons:

S. 83. Proposing an amendment to Section 22-30-21 of the Code of Alabama (1975) relating to the transportation and handling of hazardous waste; provides for certain rules and regulations concerning the transportation and handling of hazardous material by rail.

Committee on Commerce, Transportation and Utilities.

By Mr. Goodwin:

S. 84. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of a certain historical advisory committee so as to change in incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses.

Committee on Governmental Affairs.

By Messrs. Keener, St. John, deGraffenried and Martin:

S. 85. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

Committee on Finance and Taxation.

By Mr. St. John:

S. 86. To amend Section 11-50-393, Code of Alabama 1975, so as to authorize an increase in the fees payable to members of the board of directors; to provide for the election of a chairman of the board of directors; to provide an effective date.

Committee on Governmental Affairs.

By Mr. Pearson:

S. 87. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to prescribe definitions and legislative intent; to provide for the appointment of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to amend Section 12-17-20 of the Code of Alabama 1975; to make an appropriation to the unified judicial system from the general fund of the state treasury for the fiscal years ending September 30, 1981 and September 30, 1982; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this act; and to provide that the provisions of the act are nonseverable.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. 88. To provide for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in any School of Organic Education; to provide for the methods and procedures to calculate the members' contributions required to purchase such credit and conditions for eligibility; and to provide that the members shall pay the total cost for such credit.

Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bennett:

H. J. R. 17. COMMENDING HELEN TILLEY AS MISS WHEELCHAIR ALABAMA 1981.

Also:

By Rep. Dial:

H. J. R. 18. COMMENDING MISS ANITA SMITH OF LINEVILLE, CLAY COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Pearson, the Rules were suspended and the Resolution, H. J. R. 17, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Wyatt:

H. J. R. 19. EXPRESSING THE CONCERNS OF THE LEGISLATURE OVER THE RELEASE OF PRISONERS INTO SOCIETY.

WHEREAS, the Citizens of Alabama are concerned about the deterioration of the moral standards of our society; and

WHEREAS, the Citizens of Alabama are concerned about rising crime; and

WHEREAS, the citizens of Alabama are interested in the protection of each human life and property; and

WHEREAS, the Citizens of Alabama are hopeful we can maintain a peaceful and safe society for ourselves, our children and our children's children; and

WHEREAS, the Citizens of Alabama are God-fearing, hard-working and productive members of these great United States of America; and

WHEREAS, the Citizens of Alabama are carrying a heavy tax burden to support the prison system of this state; and

WHEREAS, the Citizens of Alabama and the Governor are making good faith efforts to improve the conditions of our prisons; and

WHEREAS, the Citizens of Alabama agree that it may be cruel and unusual punishment to keep human beings in an unsanitary, crowded prison; and

WHEREAS, we believe it is even more cruel and unusual punishment to society and our citizens to release criminals upon this society and its good citizens; and

WHEREAS, we believe the Constitution addresses the aspect of cruel and unusual punishment of society in general as well as that of the criminal; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That U. S. District Judge Robert Varner be requested not to release any more prisoners from Alabama prisons into the public sector when they have committed all types of crime and should serve their entire prison sentence.

BE IT FURTHER RESOLVED, That the Governor of Alabama negotiate a plan with the Federal Courts which would prevent any further release of prisoners until the state can provide better facilities for those who are incarcerated.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor of Alabama and U. S. District Judge Robert Varner of the Middle District Court in the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 19, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Gafford, Edwards, Sandusky, Turnham, Stewart, Buskey, Warren, Parker, Turner, Manley, Owens, McCorquodale, Smith (M), Escott, Bedsole, Waggoner, Penry, Harper (O), McMillan, Ward, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Tucker, Venable, Whatley, Williams, Willis and Wyatt:

H. J. R. 22. MOURNING THE DEATH OF MRS. CLARA STONE COLLINS OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Gullledge, the Rules were suspended and the Resolution, H. J. R. 22, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper (T), McMillan, Parker, Turner, Bedsole, Buskey, and Stewart:

H. J. R. 13. COMMENDING DR. DAVID TIFFANY.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Educational Television Commission.

Respectfully submitted,

BOB A DAVIS,  
State Administrations Officer.

Done this 6th day of August, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. Arthur Dunning (new member-Senate Bill 132-Act. No. 81-386)  
110 Canterbury Road  
Tuscaloosa, Alabama 35405

as a member of the Alabama Educational Television Commission for the term expiring June 25, 1986.

Respectfully,

FOB JAMES,  
Governor.

Done this 6th day of August, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. HONORING DR. CARL BASCOMB GIBSON UPON HIS RETIREMENT FROM CHIROPRACTIC PRACTICE.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Dr. Carl Bascomb Gibson of Troy, Alabama, on June 13, 1981, following more than 45 years of practice as a Chiropractor; and

WHEREAS, Dr. Gibson began his studies at Career Chiropractic College in Oklahoma City, continued his studies at Richmond Chiropractic College in Hereford, Texas, completed his training at the Nashville Chiropractic College and then spent one year at the Lincoln Chiropractic College in Indianapolis, Indiana; and

WHEREAS, in practice in Troy, Alabama, for the past thirty years, Dr. Gibson also has served his profession in leadership capacity throughout his entire career; and

WHEREAS, he opened the first permanent chiropractic office in Muscle Shoals, Alabama, has served as president of the state chiropractic association and as president of the Southern States Chiropractic Association, as well; he also was instrumental in the passage of the bill in Washington, D. C., which put chiropractic work under medicare benefits and worked for passage of the bill through the Alabama Legislature which authorized a state board of chiropractors; and

WHEREAS, he is a member and past president of the Troy Kiwanis Club and has long been active in various other civic, charitable and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. Carl Bascomb Gibson on his outstanding chiropractic career and for his many professional contributions for the past 45 years.

BE IT FURTHER RESOLVED, That Dr. Gibson receive a copy of this resolution that he may know of our sincere praise and high regard, and of our warm best wishes for every future success.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. MOURNING THE DEATH OF MR. HARRY H. PRITCHETT, PROMINENT TUSCALOOSA BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mr. Harry H. Pritchett of Tuscaloosa, Alabama, on July 9, 1981, at the age of 72; and

WHEREAS, though a native of Montgomery, Alabama, Mr. Pritchett lived most of his life in Tuscaloosa and was a 1930 graduate of the University of Alabama which he long served in loyal support and with deep devotion; and

WHEREAS, Mr. Pritchett entered the real estate and insurance business in 1936 with the establishment of the Pritchett-Moore Agency and served his profession through the years in various and numerous capacities; he was a past president of the Alabama Association of Mutual Insurance Agencies and the Alabama Real Estate Association; and

WHEREAS, he was a former Realtor of the Year and also organized and served as the first president of the Tuscaloosa Board of Realtors; and

WHEREAS, an avid golfer since youth, Mr. Pritchett was the 1928 Southern Intercollegiate Golf Champion, was a two-time recipient of the Alabama Amateur Title, a past president of the Alabama Southern Junior

and Senior Golf Associations and, befittingly, the golf course at the University of Alabama was named in his honor by resolution of the Board of Trustees of the University of Alabama System and by the Alabama Legislature; and

WHEREAS, Mr. Pritchett was honored in 1949 as Tuscaloosa Citizen of the Year, in 1965 as the recipient of the Algernon Sydney Sullivan Award of the University of Alabama, and in 1971 when the City Commission designated January 27 as "Harry Pritchett Day" in Tuscaloosa; and

WHEREAS, he was a past president of the Junior Chamber of Commerce, the Chamber of Commerce and the United Fund, and, for 30 years, was a member of the Tuscaloosa City Board of Education, serving as chairman for several years; and

WHEREAS, in further civic responsibility, Mr. Pritchett served as a member of the Alabama Sesquicentennial Association, was co-chairman of the Tuscaloosa County Bicentennial Committee and served as a member of the board of directors of the Alabama Chamber of Commerce, Alabama Gas Corporation, and the First National Bank of Tuscaloosa; he also was a vice president of the Tuscaloosa Hotel Company and secretary-treasurer of Creative Displays, Inc.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Harry H. Pritchett of Tuscaloosa and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Margaret Partlow Pritchett, that she and their son, Harry H. Pritchett, Jr., and their daughters, Margaret P. Stabler, Katie Lou P. Harris and Kathleen P. Quarles, and other family members may know we truly share the sorrow of their great loss.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. REQUESTING THAT PARKING SPACES IN THE WEST PORTION OF THE STATE PARKING LOT, BETWEEN PELHAM AND KING STREETS, BE RE-STRIPED IN A LOGICAL MANNER COMPATIBLE WITH THE ONE-WAY DIRECTION OF UNION STREET.

WHEREAS, the West portion of the state parking lot, between Pelham and King Streets, is entered from Union Street which is a one-way street going North; and

WHEREAS, the parking spaces in said area are now striped in a direction which is totally illogical and incompatible with the angle of entry from Union Street; and

WHEREAS, not only are drivers entering the lot required to make an awkward and tight "U" turn into the parking area, but must make an equally sharp turn upon exit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the proper authorities to re-stripe the parking spaces in the aforementioned state parking lot in a direction consistent with that of Union Street, thereby facilitating entry and exit from the area.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for said authorities that they may forthwith rectify the driving and parking directions which now exist.

On motion of Mr. Guldedge, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. NAMING THE NEW BRIDGE ON STATE HIGHWAY 17 WHICH SPANS THE TOMBIGBEE RIVER APPROXIMATELY FIVE MILES SOUTHWEST OF ALICEVILLE, PICKENS COUNTY, ALABAMA, "THE HUYCK BRIDGE."

WHEREAS, in September 1956, the Huyck Corporation of New York, manufacturers of papermakers'-felts, established a plant in Pickens County, Alabama; and

WHEREAS, September 9, 1981, will mark the 25th anniversary of the plant's location in said county, during which time several hundred local citizens have been employed by this Corporation which has played a vital role in the economy of the area; and

WHEREAS, the plant is situated on the West bank of the Tombigbee River prominently in view of the bridge which primarily provides area residents and employees access to the plant; and

WHEREAS, as a large percentage of the bridge crossings relate directly to the Huyck plant and, in view of the fact that local residents have long informally referred to the old bridge and its recent replacement as "The Huyck Bridge," it is befitting that the bridge be named officially in accordance with the wishes of said local residents and the recommendation of the Aliceville Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new bridge on State Highway 17 which spans the Tombigbee River approximately five miles Southwest of Aliceville in Pickens County, Alabama, is hereby named and designated "The Huyck Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said bridge as "The Huyck Bridge."

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 27. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the first Special Session 1981 only:

Bill No.	Page No.	Description
S. B. 34	2	Education Budget
S. B. 32	14	Budget Isolation

S. B. 33	2	Teachers' retirement fund shifted
S. B. 14	4	Oil & Gas Bd. approp.
S. B. 31	1	Legislative supp. approp.

And on motion of Mr. McDonald, said Resolution was adopted.

### REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 70. To amend Section 2, Subsection D, 31, of Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to change the appropriation for the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Britnell (with notice and proof):

S. 36. Relating to Marion County; amending Act No. 79-642, H. 940, 1979 Regular Session (Acts 1979, p. 1124), which provides for clerical assistance for the tax assessor and tax collector, so as to increase the number and compensation of said clerical assistance.

By Mr. Kirkland (with notice and proof):

S. 47. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

By Mr. Kirkland (with notice and proof):

S. 48. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

By Mr. Kirkland (with notice and proof):

S. 49. Relating to Escambia County; amending Sections 1 and 2 of Act No. 205, S. 375, 1969 Regular Session (Acts 1969, p. 524), as amended, relating to pistol permit fees in certain counties classified on a population basis, so as to increase the amount of such fees and provide further for the use thereof.

By Mr. Mitchem (with notice and proof):

S. 56. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof) (With Amendment):

S. 58. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lemaster (with notice and proof):

S. 59. Relating to the City of Scottsboro, Jackson County, Alabama; providing for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be elected as herein provided; and providing for the election of such school board if approved in the referendum.

By Mr. Taylor (with notice and proof):

S. 69. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax collector, tax assessor and probate judge; and to provide for retroactive effect.

By Mr. Weeks (with notice and proof):

S. 78. To authorize the governing body of Macon County to impose a county license tax or fee on persons for the privilege of engaging in or following certain trades, occupations, or professions in such county, provided the levy is first approved at a referendum election held for such purpose; providing for the levy and collection of such licenses, for the enforcement thereof, and for the administration of this Act.



By Messrs. Higginbotham and Little (with notice and proof):

S. 50. Relating to the Cities of Lanett and Valley in Chambers County; to authorize a contractual agreement between said cities relating to the distribution of certain taxes on sales by public utilities within the overlapping police jurisdiction of said cities; and to ratify any such prior agreement.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 77. To amend the "Hazardous Wastes Management Act of 1978", as amended by Act No. 81-863, Acts of Alabama 1981 (Regular Session), so as to correct typographical errors and to clarify the penalties section of the Act; to provide strict liability monetary sanctions for certain enumerated acts, to define "criminal negligence" under the act and to further provide for the application of the penalties section to the storage facilities, all of which are necessary to comply with federal law and the rules and regulations formulated by the United States Protection Agency for the continued approval and funding of Alabama's hazardous waste management program in lieu of federal administration.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 21. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

By Mr. St. John:

S. 41. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. McDonald, Mitchem and Gullledge (With Amendments):

S. 42. To create the Wildlife Heritage Committee and prescribe its powers, terms of office, and duties; to provide for meetings, per diem and mileage allowances; to provide for a Wildlife fund and the expenditures therefrom.

Mr. Pearson Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 76. To provide for the delivery of services to the poor and disadvantaged; to permit counties and municipalities to form county or multi-county, nonprofit, public corporations; to authorize such corporations to implement programs and to construct, maintain, equip, and operate facilities; to provide that such programs and facilities be used in accordance with standards and criteria established by federal and state agencies, boards, and institutions from which grants or contracts may be received so as to eliminate the paradox of poverty in the midst of plenty and to join with other areas of Alabama and the nation in a concerted effort to eliminate poverty by opening to everyone the opportunity of education and training, the opportunity to work, and the opportunity to live in decency and dignity; to provide for the powers, authorities, and duties of such corporations; to authorize said corporations to enter into contracts with any agency for the purpose of carrying into effect the above; to authorize local governing bodies to appropriate moneys for the support of such facilities and programs; to authorize such corporations to assume the facilities, programs, equipment, property and funds from the existing community action agency in particular areas of the state which were organized as a private nonprofit corporation under the provisions of the Economic Opportunity Act of 1964, as amended; and to repeal any existing law which is in conflict with this act.

Mr. deGraffenried Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Amendment):

S. 61. To provide further for requirements in the redemption of land sold for taxes, so as to prescribe that certain lawful charges shall be paid to the purchaser or vendee, including the State of Alabama, in the same manner as Sections 6-5-235, 6-5-236, 6-5-237 and 6-5-244 of the Code of Alabama 1975.

### SPECIAL ORDER

### BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 34. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Mr. Barron offered the following substitute for the Bill, S. B. 34, to-wit:

### SUBSTITUTE FOR S. B. 34

### A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1982 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus, Special Mental Health Fund, and Public School Fund Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1982 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the 1975 Code of Alabama), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3.

A. STATE AGENCIES

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program .....	903
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SOURCE OF FUNDS:

(1) ASETF .....	903	
Total Alabama Academy of Honor	903	903

2. Arts and Humanities, Council on the:

(a) Fine Arts Program .....	1,013,750
(b) Birmingham Symphony .....	200,000
(c) Alabama Shakespeare Festival	25,000
(d) Jefferson County Committee for Economic Opportunity, Inc.	25,000

(e) Alabama Outdoor Drama ....	10,000
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## SOURCE OF FUNDS:

(1) ASETF .....	523,750		
(2) Federal and Local Funds ....		750,000	
Total Council on the Arts and Humanities .....	523,750	750,000	1,273,750

3. Debt Service .....	878,000
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(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII ..... 218,256

(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated ... 45,000

For interest on Auburn University Endowment ..... 20,280

For interest on University of Alabama Endowment ..... 61,000

For interest on Grove Hill Endowment ..... 600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands, Estimated ..... 410,000

Interest on School Indemnity Lands, Estimated ..... 90,000

Interest on Valueless 16th Section Lands ..... 5,825

Interest on Surplus Revenue ..... 26,764

Interest on James Wallace Fund ..... 275

Total ..... 659,744

## SOURCE OF FUNDS:

(1) ASETF .....	878,000		
Total Debt Service .....	878,000		878,000

4. Dental Scholarship Awards, Board Of:

(a) Support of Other Educational Activities Program .....	228,000
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SOURCE OF FUNDS:

(1) ASETF .....	228,000		
Total Board of Dental Scholarship Awards .....	228,000		228,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session).

5. Education, Department Of:

(a) Instructional Technical Assistance Program .....			7,543,324
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The proposed spending plan for the above is as follows:

Carrer Education .....	98,000
Vocational Education ...	651,000
Special Education Administration .....	450,000

SOURCE OF FUNDS:

(1) ASETF .....	1,199,000		
(2) Federal & Local Funds .....		6,344,324	
Total Instructional Technical Assistance Program .....	1,199,000	6,344,324	7,543,324

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act).

(b) Local Agency Support Program .....			10,559,824
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The proposed spending plan for the above is as follows:

Coordination of In-School Television .....	85,000
Driver Education, School Bus Driver Training and Vehicle Safety Inspection .....	192,000
Free Textbooks .....	7,705,000

In addition to the above appropriation, \$1,500,000 is hereby appropriated for Free Textbooks to be conditional on the availability of funds and the approval of the Governor.

Testing .....	500,000
Plans and Surveys .....	66,000

## SOURCE OF FUNDS:

(1) ASETF .....	8,548,000		
(2) Federal and Local Funds ....		<u>2,011,824</u>	
Total Local Agency Support Program .....	<u>8,548,000</u>	<u>2,011,824</u>	<u>10,559,824</u>
(c) Regulation Program .....			912,246
Teacher Certification and Accreditation .....	211,000		

## SOURCE OF FUNDS:

(1) ASETF .....	211,000		
(2) Federal and Local Funds ....		<u>701,246</u>	
Total Regulation Program .....	211,000	701,246	912,246
(d) Administrative Services Program .....			10,576,575

The proposed spending plan for the above is as follows:

Compact for Education ...	27,000
Operations & Maintenance of Department .....	2,100,000
Telephone Network Fund .....	1,116,000

## SOURCE OF FUNDS:

(1) ASETF .....	3,243,000		
(2) Federal and Local Funds ....		<u>7,333,575</u>	
Total Administrative Services Program .....	<u>3,243,000</u>	<u>7,333,575</u>	<u>10,576,575</u>

The above appropriation shall include a transfer to the State Personnel Department of \$63,494.

(e) Adult Education Program ...	3,613,923
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The proposed spending plan for the above is as follows:

Adult Basic Education ..	950,000
Community Education ...	91,200

## SOURCE OF FUNDS:

(1) ASETF .....	1,041,200		
(2) Federal and Local Funds ....		<u>2,572,723</u>	
Total Adult Education Program ..	<u>1,041,200</u>	<u>2,572,723</u>	<u>3,613,923</u>

(f) Support of State Universities Program .....	256,833
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## SOURCE OF FUNDS:

(1) Federal and Local Funds ....	<u>256,833</u>
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Total Support of State Universities Program .....	256,833	256,833
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(g) Projects-Vocation Rehabilitation/Crippled Children Services Program .....		734,443
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....	734,443	
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Total Projects-Voc. Rehab/Crippled Children Services Program ....	734,443	734,443
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(h) Disability Determination for Social Security Program .....		9,650,611
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....	9,650,611	
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Total Disability Determination for Social Security Program .....	9,650,611	9,650,611
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(i) Support of Other Educational Activities .....		9,300
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The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents .....	9,300
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SOURCE OF FUNDS:

(1) ASETF .....	9,300
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Total Support of Other Educational Activities .....	9,300	9,300
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For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(j) Emergency Medical Services Education Program .....		1,500,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc. .	250,000
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(2) Birmingham Regional Emergency Medical System	250,000
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(3) North Alabama Emergency Medical Services, Inc. .	250,000
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- (4) Southeast Alabama Emergency Medical Services System, Inc. .... 250,000
- (5) East Alabama Emergency Medical Services, Inc. . 250,000
- (6) Southwest Alabama Emergency Medical Services Council, Inc. .... 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,500,000</u>	
Total Emergency Medical Services Education Program .....	<u>1,500,000</u>	<u>1,500,000</u>

(k) Direct Client Services for the Handicapped .....		40,493,054
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To be distributed by the Department of Education as follows:

Crippled Children Services Program ..... 4,200,000

(Includes \$67,000 for Cystic Fibrosis-Adult Care)

Hemophilia Program .... 279,000

Homebound Program .. 2,000,000

Rehabilitation Services Program ..... 5,785,000

Handicapped Recreation Program ..... 186,000

(To provide recreation and services at a year-round accredited handicapped recreation facility).

## SOURCE OF FUNDS:

(1) ASETF .....	12,450,000		
(2) Federal and Local Funds ....		<u>28,043,054</u>	
Total Direct Client Services for the Handicapped .....	<u>12,450,000</u>	<u>28,043,054</u>	<u>40,493,054</u>

(1) Project to Develop a Financial Management Information System .....			39,000
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## SOURCE OF FUNDS:

(1) ASETF .....	19,000
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(2) Federal and Local Funds . . . .		<u>20,000</u>	
Total Project to Develop a Financial Management Information System . . . . .	<u>19,000</u>	<u>20,000</u>	<u>39,000</u>
TOTAL DEPARTMENT OF EDUCATION			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	28,220,500		
(2) Federal and Local Funds . . . .		<u>57,668,633</u>	
GRAND TOTAL DEPARTMENT OF EDUCATION . . . . .	<u>28,220,500</u>	<u>57,668,633</u>	<u>85,889,133</u>
6. Employees' Insurance, State ..			597,074
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>597,074</u>		
Total State Employees' Insurance	<u>597,074</u>		<u>597,074</u>
7. Employees' Retirement, State			1,629,435
SOURCE OF FUNDS:			
(1) ASETF . . . . .	321,668		
(2) ASETF - Cooperative Extension Service . . . . .	<u>1,307,767</u>		
Total State Employees' Retirement	<u>1,629,435</u>		<u>1,629,435</u>
8. Examiners of Public Accounts:			
(a) Legislative Support-Audit Services Program . . . . .			1,007,966
For purposes of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>1,007,966</u>		
Total Examiners of Public Accounts . . . . .	<u>1,007,966</u>		<u>1,007,966</u>
9. Fine Arts, Alabama School of:			
(a) Fine Arts Program . . . . .			943,000
SOURCE OF FUNDS:			
(1) ASETF . . . . .	855,000		
(2) Federal and Local Funds . . . .		<u>88,000</u>	
Total Alabama School of Fine Arts	<u>855,000</u>	<u>88,000</u>	<u>943,000</u>
10. Firefighters' Personnel Standards and Education Commission, Alabama:			

(a) Professional and Occupational Licensing & Regulation Pro- gram .....	100,000
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The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$240.

#### SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>	
Total Alabama Firefighters' Per- sonnel Standards and Education Commission .....	<u>100,000</u>	<u>100,000</u>

#### 11. Health, Department of Public:

(a) Health Support Services Pro- gram .....	395,794
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program .....	791,706
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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

#### SOURCE OF FUNDS:

(1) ASETF .....	<u>1,187,500</u>	
Total Department of Public Health .....	<u>1,187,500</u>	<u>1,187,500</u>

#### 12. Higher Education, Commis- sion on:

(a) Planning and Coordination Services Program .....	824,237
(b) Alabama Student Assistance Program .....	1,312,781
(c) Alabama Student Grant Pro- gram .....	3,000,000

SOURCE OF FUNDS:

(1) ASETF .....	3,950,000		
(2) Federal and Local Funds ....		<u>1,187,018</u>	
Total Commission on Higher Education .....	<u>3,950,000</u>	<u>1,187,018</u>	<u>5,137,018</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978 Second Special Session.

13. Industrial Development Training Institute, Alabama:

(a) Industrial Training Program	1,100,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,100,000</u>		
Total Alabama Industrial Development Training Institute ....	<u>1,100,000</u>		<u>1,100,000</u>

14. State Board of Education-Junior College School System:

(a) Academic Instruction and Institutional Support Program ..	65,468,726
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SOURCE OF FUNDS:

(1) ASETF .....	41,558,994		
(2) Federal and Local Funds ....		9,147,864	
(3) State Funds .....		755,547	
(4) Other Funds .....		9,743,216	
(5) Auxiliary Enterprises .....		<u>4,263,105</u>	
Total Junior College School System .....	<u>41,558,994</u>	<u>23,909,732</u>	<u>65,468,726</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula:

(A) \$200,000 to each junior college.

(B) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1980-81 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1980-81 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit-producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required.

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(The above appropriation is to be distributed to the following junior colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville, and (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$270,000 may be used by the State Board of Education for administration of the state junior college program.

15. Law Institute, Alabama:

(a) Support of Other Educational Activities Program .....	211,000
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SOURCE OF FUNDS:

(1) ASETF .....	211,000	
Total Alabama Law Institute ....	211,000	211,000

16. Legislature:

(a) Houses Operations & Support Program .....	855,000
(b) Senate Operations & Support Program .....	570,000

SOURCE OF FUNDS:

(1) ASETF .....	1,425,000	
Total Legislature .....	1,425,000	1,425,000

17. Library Service, Public:

(a) Public Library Service Pro- gram .....	4,009,162
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,779.

SOURCE OF FUNDS:

(1) ASETF .....	2,850,000	
(2) Federal and Local Funds ....	1,159,162	
Total Public Library Service ....	2,850,000	1,159,162
		4,009,162

18. Marine Environmental Sciences Consortium:

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(a) Support of Other Educational Activities Program .....	547,628
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SOURCE OF FUNDS:

(1) ASETF .....	400,000		
(2) Federal and Local Funds ....		<u>147,628</u>	
Total Marine Environmental Sciences Consortium .....	<u>400,000</u>	<u>147,628</u>	<u>547,628</u>

19. Medical Scholarships Awards, Board of:

(a) Support of Other Educational Activities Program .....	711,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>711,000</u>		
Total Board of Medical Scholarships Awards .....	<u>711,000</u>		<u>711,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session).

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program	464,414,054
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SOURCE OF FUNDS:

(1) ASETF .....	433,737,569		
(2) Public School Fund .....		26,000,000	
(3) Local Funds .....		<u>4,676,485</u>	
Total Minimum Program and Public School Fund .....	<u>433,737,569</u>	<u>30,676,485</u>	<u>464,414,054</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, 1975 Code of Alabama and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number

of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,289
II	13,392	8,767.21	117,410,476
III	11,276	0	0
IV	9,792	0	0
		<u>23,811.00</u>	<u>\$351,436,689</u>

For "Other Current Expenses" an amount not to exceed \$2,630 for each earned teacher unit but the total shall not exceed the sum of \$62,622,930.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,544,620.

For "Principal Supplement" an amount not to exceed the total of \$2,381,100.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715.

21. Board of Education:

(a) Financial Assistance Program 242,089,219

SOURCE OF FUNDS:

(1) ASETF ..... 242,089,219

Total Board of Education ..... 242,089,219 242,089,219

To be distributed by the State  
Board of Education for:

(a) Hospital Medical Insurance  
Assistance for Professional Staff,  
Support Staff, and Adult School  
Bus Drivers ..... 14,878,968

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$247.20 shall be appropriated per person. In addition, there is hereby appropriated, conditioned on availability of funds and the approval of the governor, the sum of sixty-one dollars and eighty cents (\$61.80) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$61.80 shall be appropriated per person for a total of \$3,720,298.

(b) Teachers' Sick  
Leave ..... 3,723,744

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnnnel Sick  
Leave ..... 1,564,483

The appropriation hereinabove  
shall provide sick leave in ac-  
cordance with Act No. 208, 1977  
Regular Session.

(d) Teachers' Personal  
Leave ..... 925,598

The appropriation hereinabove  
made to Teachers' Personal  
Leave provides for two (2) days  
personal leave at \$17 per teacher  
unit for each teacher employed  
(except ESEA Title I, Title III  
and Title IV teachers and ESAA  
teachers).

(e) Funds to Replace  
Fees ..... 7,600,000

Of the appropriation hereinabove  
made for Funds to Replace Fees  
there is hereby appropriated two  
hundred dollars (\$200) per  
teacher unit for grades K-6 and  
two hundred dollars (\$200) per  
teacher unit for grades 7-12 for  
all teachers employed (except  
ESEA Title I, Title III and Title  
IV teachers and ESAA teachers).

(f) Maintenance ..... 5,630,287

(g) Continuation of funds previ-  
ously granted for Special Educa-  
tion ..... 25,048,991

Of the \$25,048,991 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School; \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind; \$250,000 for the Vivian B. Adams School; \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama; \$25,000 shall be allocated to the Hope Haven School in Colbert County; \$25,000 shall be allocated to the Jasper Shriner School; \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama; \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama; \$25,000 shall be allocated to Project Independence in Coffee County, Alabama; \$50,000 shall be allocated to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled; \$18,000 to Auburn University Preschool for Multi-handicapped children; and \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher  
units ..... 18,852,234

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$ 1,872,792
I	15,382	569	8,752,358
II	13,392	397	5,316,624
		<hr/> 1,080	<hr/> \$15,941,774

For "Other Current Expenses" an amount not to exceed \$2,630 for each earned teacher unit but the total shall not exceed the sum of \$2,840,400.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher units ..... 29,725,460

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (k). The above appropriation is for 1,703 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
		<hr/> 1,703	<hr/> \$25,136,096

For "Other Current Expenses" an amount not to exceed \$2,630 for each earned teacher unit but the total shall not exceed the sum of \$4,478,890.



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For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$110,474.

- (j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 11,346,530

The above appropriation is for 650  
teacher units and includes  
salaries, other current expenses,  
and capital improvements at the  
following rates:

For "Salaries" the sum shall not exceed \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	342	5,260,644
II	13,392	239	3,200,688
		<hr/> 650	<hr/> \$9,594,864

For "Other Current Expenses" an amount not to exceed \$2,630 for each earned teacher unit but the total shall not exceed the sum of \$1,709,500.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

- (k) Special Education 57,525,530

The above appropriation is for  
3,250 teacher units and includes  
salaries, other current expenses,  
capital improvements, and  
transportation at the following  
rates:

For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1,711	26,318,602
II	13,392	1,197	16,030,224
		<hr/> 3,250	<hr/> \$47,967,202

For "Other Current Expenses" an amount not to exceed \$2,630 for each earned teacher unit but the total shall not exceed the sum of \$8,547,500.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

- (1) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

- (m) Driver Education . 5,820,529

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$4,947,391. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however, the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	16,428	50	\$ 821,400
I	15,382	225	3,460,950
II	13,392	49	665,041
		<hr/> 324	<hr/> \$4,947,391

For "Other Current Expenses" an amount not to exceed \$2,630 for each earned teacher unit but the total shall not exceed the sum of \$852,120.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

- (n) Salary increase for lunchroom  
workers formerly  
granted ..... 6,129,600

22. Nursing, Alabama Board of:

- (a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$527.

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SOURCE OF FUNDS:

(1) ASETF - as provided in Act No. 68, 1977 Special Session. Scholarships for Graduate Nurses ..	57,000		
(2) Alabama Board of Nursing Trust Fund - as provided in Title 34, Chapter 21, 1975 Code of Alabama as amended .....		550,000	
Total Alabama Board of Nursing	<u>57,000</u>	<u>550,000</u>	<u>607,000</u>

23. Peace Officers Standards and Training Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program .....	110,025
(b) Certified Law Enforcement Academy Programs .....	199,975

Jacksonville State Univ .. 38,000

University of Alabama ... 38,000

James H. Faulkner Junior College .....

Troy State Univ. at Montgomery .....

Dept. of Public Safety-Craig AFB .....

The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$96.

SOURCE OF FUNDS:

(1) ASETF .....	<u>310,000</u>		
Total Alabama Peace Officers Standards and Training Commission .....	<u>310,000</u>		<u>310,000</u>

24. Physical Fitness, Commission on:

(a) Advisory Services Program ..	100,000
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The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$240.

SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>		
Total Commission on Physical Fitness .....	<u>100,000</u>		<u>100,000</u>

25. State Board of Education-  
Postsecondary Vocational-  
Technical Education System:(a) Academic Instruction and In-  
stitutional Support Program .. 50,817,266

## SOURCE OF FUNDS:

(1) ASETF .....	34,201,713		
(2) ASETF-Capital Outlay- Equipment .....	735,521		
(For awards to individual institu- tions that wish to expand their vocational training for high technology programs. These awards are to be made by the State Board Of Education).			
(3) Federal and Local Funds ....		1,314,867	
(4) State Funds .....	711,425		
(5) Other Funds .....	9,707,464		
(6) Auxiliary Enterprises .....	4,146,276		
Total Postsecondary Vocational- Technical Education System ..	<u>34,937,234</u>	<u>15,880,032</u>	<u>50,817,266</u>

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama State Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$270,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

26. Shelton State Community  
College-State Fire College:

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(a) Academic Instruction and Institutional Support Program ..		228,559	
SOURCE OF FUNDS:			
(1) ASETF .....	<u>228,559</u>		
Total Shelton State Community College - State Fire College ...	<u>228,559</u>		<u>228,559</u>
27. Social Security (ASETF Share):			
(a) For State's Share of Social Security, Estimated .....		80,424,668	
SOURCE OF FUNDS:			
(1) ASETF .....	<u>80,424,668</u>		
Total Social Security (ASETF Share) .....	<u>80,424,668</u>		<u>80,424,668</u>
28. Teachers' Retirement System of Alabama:			
(a) Retirement Systems Program		170,160,539	
SOURCE OF FUNDS:			
(1) ASETF-Teachers' Retirement System .....	156,748,139		
(2) ASETF-Teachers' Special Pension Fund, Estimated .....	<u>13,412,400</u>		
Total Teachers' Retirement System Program (State's Share) .....	<u>170,160,539</u>		<u>170,160,539</u>
29. Tenure Commission, State:			
(a) Regulation Program .....		8,000	
SOURCE OF FUNDS:			
(1) ASETF .....	<u>8,000</u>		
Total State Tenure Commission .	<u>8,000</u>		<u>8,000</u>
30. Television Commission, Education:			
(a) Educational TV Services Program .....		3,159,265	
(b) Public Radio Services Program		258,302	
SOURCE OF FUNDS:			
(1) ASETF .....	2,135,000		
(2) Federal and Local Funds ....		<u>1,282,567</u>	
Total Education Television Commission .....	<u>2,135,000</u>	<u>1,282,567</u>	<u>3,417,567</u>
31. Unemployment Compensation			1,750,000

## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,750,000</u>	
Total Unemployment Compensation .....	<u>1,750,000</u>	<u>1,750,000</u>

## 32. Veterans' Education Benefits:

(a) Administration of Veterans' Affairs Program .....		1,154,250
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,154,250</u>	
Total Veterans' Education Benefits .....	<u>1,154,250</u>	<u>1,154,250</u>

The above appropriation includes pro rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School, in which benefits are given to Veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

## 33. Youth Services, Department of:

(a) Youth Services Program .....	10,385,491
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$17,682.

## SOURCE OF FUNDS:

(1) ASETF .....	8,704,835		
(2) Federal and Local Funds .....		<u>1,680,656</u>	
Total Department of Youth Services .....	<u>8,704,835</u>	<u>1,680,656</u>	<u>10,385,491</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session).

## Section 4.

A. FINANCIAL ASSISTANCE  
TO NON-STATE EDUCATIONAL AGENCIES

## 1. Environmental Quality Association, Alabama:

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(a) Environmental Education Program .....	162,750
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SOURCE OF FUNDS:

(1) ASETF .....	162,750	
Total Alabama Environmental Quality Association .....	162,750	162,750

2. Sylacauga Nurses Training School:

(a) Support of Other Educational Activities Program .....	84,600
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SOURCE OF FUNDS:

(1) ASETF .....	84,600	
Total Sylacauga Nurses Training School .....	84,600	84,600

Section 5.

Colleges, Universities and Schools

I. Board of Trustees of University of Alabama:

A. The University

1. Operations and Maintenance .	35,044,400	32,814,276	67,858,676
2. Research, Extension and Public Service .....	1,971,000	254,834	2,225,834
3. Emergency Medical Services .	134,000	106,675	240,675
4. Center for Emotionally Disturbed Children .....	507,000	551,152	1,058,152
5. Nursing Scholarships .....	17,000		17,000
6. School of Mines .....	1,104,000	1,078,598	2,182,598
7. Family Practice Center .....	798,000	746,722	1,544,722
8. (a) Alabama Museum of Natural History .....	59,000	53,337	112,337
(b) Maintenance for Moundville State Park .....	100,000		100,000
9. College of Community Health Services Medical Education ...	2,318,000	1,463,812	3,781,812
10. Vocational Teacher Training	362,000	213,349	575,349
11. Cooperative University Upper Division Program-Gadsden ....	206,000	88,895	294,895
12. Rural Infant Stimulation Environment Program .....	133,000	72,116	205,116
13. High Risk Nursery .....	108,000		108,000
14. Safe State Program .....	165,000		165,000
15. Auxiliary Enterprises .....		21,820,871	21,820,871

## SOURCE OF FUNDS:

(1) ASETF .....	43,026,400		
(2) Other Funds .....		59,264,637	
Total University of Alabama ....	43,026,400	59,264,637	102,291,037
<b>B. University of Alabama in Birmingham</b>			
1. University College .....	14,851,630	13,917,748	28,769,378
2. School of Public and Allied Health .....	2,430,087	2,200,233	4,630,320
3. Regional Technical Institute ..	2,059,141	448,591	2,507,732
4. Joint Health Sciences .....	2,898,760	1,602,112	4,500,872
5. Student Nurses Loans .....	11,400		11,400
6. Nursing Scholarships .....	83,900		83,900
7. School of Nursing .....	3,437,581	2,670,186	6,107,767
8. Center for Labor Education and Research .....	270,936		270,936
9. Urban Research and Public Service .....	312,174		312,174
10. School of Medicine .....	16,124,859	51,587,998	67,712,857
11. School of Optometry .....	2,145,838	2,050,703	4,196,541
12. School of Dentistry .....	7,293,432	10,445,768	17,739,200
13. System Medical Education Program .....	502,968		502,968
14. Family and Other Primary Care Residence Program .....	1,616,207		1,616,207
The above appropriation shall be expended for residency programs as follows:			
Anniston .....	254,461		
East End .....	254,461		
Jefferson County .....	254,461		
Montgomery .....	254,462		
Selma .....	343,900		
Gadsden .....	254,462		
15. Diabetic Institute (for Capital Outlay) .....	245,240		245,240
16. University Hospital .....	5,955,206	117,426,684	123,381,890
17. School of Engineering and Business .....	190,000		190,000
18. Public Health School .....	190,000		190,000
19. Department of Pediatrics ....	317,321		317,321
20. Health-Related Research and Public Service .....	2,885,058		2,885,058



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21. Emergency Medical Training	164,722		164,722
22. Hypertension Research .....	399,570		399,570
23. Multipurpose Arthritis Center	399,570		399,570
24. Medical Genetics Program ..	190,000		190,000
25. Special Mental Health .....		3,222,284	3,222,284
26. Center for Development and Learning Disorders .....		544,707	544,707
27. Auxiliary Enterprises .....		<u>7,497,883</u>	<u>7,497,883</u>

SOURCE OF FUNDS:

(1) ASETF .....	64,975,600		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds .....		<u>209,847,906</u>	
Total University of Alabama in Birmingham .....	<u>64,975,600</u>	<u>213,614,897</u>	<u>278,590,497</u>

C. University of Alabama in Huntsville

1. Operations and Maintenance .	6,216,639	6,835,058	13,051,697
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research .....	47,500		47,500
4. School of Primary Medical Care	2,753,481	443,955	3,197,436
5. Community Medicine Rural Preceptorship Program .....	28,500		28,500
6. Johnson Environmental and Energy Center .....	273,164	1,632,460	1,905,624
7. Ambulatory Care Center .....	647,684	810,449	1,458,133
8. School of Nursing .....	849,535	298,282	1,147,817
9. Paramedic Training .....	125,315		125,315
10. Alabama Solar Energy Center	272,182		272,182
11. Auxiliary Enterprises .....		<u>1,541,125</u>	<u>1,541,125</u>

SOURCE OF FUNDS:

(1) ASETF .....	11,232,000		
(2) Other Funds .....		<u>11,561,329</u>	
Total University of Alabama in Huntsville .....	<u>11,232,000</u>	<u>11,561,329</u>	<u>22,793,329</u>

II. Board of Trustees of Alabama A & M University

A. Alabama A & M University

1. Operations and Maintenance .	8,830,052	10,354,005	19,184,057
2. Vocational Teacher Training .	249,148		249,148
3. Auxiliary Enterprises .....		<u>3,143,590</u>	<u>3,143,590</u>

## SOURCE OF FUNDS:

(1) ASETF .....	9,079,200		
(2) Other Funds .....		<u>13,497,595</u>	
Total Alabama A & M University	<u>9,079,200</u>	<u>13,497,595</u>	<u>22,576,795</u>

III. Board of Trustees of Alabama  
State University

## A. Alabama State University

1. Operations and Maintenance .	7,815,600	4,713,720	12,529,320
2. Auxiliary Enterprises .....		<u>4,033,209</u>	<u>4,033,209</u>

## SOURCE OF FUNDS:

(1) ASETF .....	7,815,600		
(2) Other Funds .....		<u>8,746,929</u>	
Total Alabama State University .	<u>7,815,600</u>	<u>8,746,929</u>	<u>16,562,529</u>

## IV. State Board of Education

## A. Athens State College

1. Operations and Maintenance .	1,508,000	1,023,268	2,531,268
2. Auxiliary Enterprises .....		<u>246,768</u>	<u>246,768</u>

## SOURCE OF FUNDS:

(1) ASETF .....	1,508,000		
(2) Other Funds .....		<u>1,270,036</u>	
Total Athens State College .....	<u>1,508,000</u>	<u>1,270,036</u>	<u>2,778,036</u>

V. Board of Trustees of Auburn  
University

## A. Auburn University

1. Operations and Maintenance .	38,333,874	30,986,312	69,320,186
2. School of Nursing .....	403,750		403,750
3. Educational Television .....	357,876		357,876
4. Center for Vocational and Adult Education .....	508,250		508,250
5. Clinical Psychology .....	111,815		111,815
6. Engineering Experiment Sta- tion .....	821,251		821,251
7. Public Service, Research and Extension .....	366,814		366,814
8. Energy Research .....	262,010		262,010
9. Food Animal Health and Dis- ease Research .....	190,000		190,000
10. Auxiliary Enterprises .....		<u>22,392,348</u>	<u>22,392,348</u>

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SOURCE OF FUNDS:

(1) ASETF .....	41,355,640		
(2) Other Funds .....		<u>53,378,660</u>	
Total Auburn University .....	<u>41,355,640</u>	<u>53,378,660</u>	<u>94,734,300</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>7,768,800</u>	<u>9,403,617</u>	<u>17,172,417</u>
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SOURCE OF FUNDS:

(1) ASETF .....	7,768,800		
(2) Other Funds .....		<u>9,403,617</u>	
Total Agricultural Experiment Station .....	<u>7,768,800</u>	<u>9,403,617</u>	<u>17,172,417</u>

C. Cooperative Extension Service

1. Operations and Maintenance .	<u>8,444,313</u>	<u>9,516,553</u>	<u>17,960,866</u>
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SOURCE OF FUNDS:

(1) ASETF .....	8,444,313		
(2) Other Funds .....		<u>9,516,553</u>	
Total Cooperative Extension Service .....	<u>8,444,313</u>	<u>9,516,553</u>	<u>17,960,866</u>

D. Auburn University at Montgomery

1. Operations and Maintenance .	5,807,535	4,538,222	10,345,757
2. Montgomery Area Community Health Sciences Institute .....	49,465		49,465
3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	155,325	31,360	186,885
4. School of Nursing .....	258,875	2,922	261,797
5. Auxiliary Enterprises .....		<u>1,271,754</u>	<u>1,271,754</u>

SOURCE OF FUNDS:

(1) ASETF .....	6,271,200		
(2) Other Funds .....		<u>5,844,458</u>	
Total Auburn University at Montgomery .....	<u>6,271,000</u>	<u>5,844,458</u>	<u>12,115,658</u>

VI. Board of Trustees of Jacksonville State University

A. Jacksonville State University

1. Operations and Maintenance .	11,031,250	4,590,172	15,621,422
2. Cooperative University Upper Division Program-Gadsden ....	460,750	129,158	589,908

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3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama .....	95,000		95,000
5. Vocational Teacher Training ..	95,000		95,000
6. Auxiliary Enterprises .....		<u>1,611,942</u>	<u>1,611,942</u>

SOURCE OF FUNDS:

(1) ASETF .....	11,700,000		
(2) Other Funds .....		<u>6,331,272</u>	
Total Jacksonville State University .....	<u>11,700,000</u>	<u>6,331,272</u>	<u>18,031,272</u>

VII. Board of Trustees of Livingston State University

A. Livingston State University

1. Operations and Maintenance ..	3,632,400	1,113,014	4,745,414
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,749,676</u>	<u>1,749,676</u>

SOURCE OF FUNDS:

(1) ASETF .....	3,650,400		
(2) Other Funds .....		<u>2,862,690</u>	
Total Livingston State University ..	<u>3,650,400</u>	<u>2,862,690</u>	<u>6,513,090</u>

VIII. Board of Trustees of University of Montevallo

A. University of Montevallo

1. Operations and Maintenance ..	5,730,728	3,240,820	8,971,548
2. School for Aphasic Children ..	206,172	17,207	223,379
3. Highway Safety Program ....	128,759		128,759
4. Communication Center .....	18,341	68,827	87,168
5. Auxiliary Enterprises .....		<u>2,606,540</u>	<u>2,606,540</u>

SOURCE OF FUNDS:

(1) ASETF .....	6,084,000		
(2) Other Funds .....		<u>5,933,394</u>	
Total University of Montevallo ..	<u>6,084,000</u>	<u>5,933,394</u>	<u>12,017,394</u>

IX. Board of Trustees of University of North Alabama

A. University of North Alabama

1. Operations and Maintenance ..	7,423,200	5,258,248	12,681,448
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,478,777</u>	<u>1,478,777</u>

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SOURCE OF FUNDS:

(1) ASETF .....	7,441,200		
(2) Other Funds .....		<u>6,737,025</u>	
Total University of North Alabama .....	<u>7,441,200</u>	<u>6,737,025</u>	<u>14,178,225</u>

X. Board of Trustees of University of South Alabama

A. University of South Alabama

1. Operations and Maintenance .	11,328,316	10,130,432	21,458,748
2. Medical Research and Public Service .....	264,445		264,445
(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center).			
3. Family Practice Residency Program .....	476,972		476,972
4. College of Medicine .....	8,639,377	8,661,314	17,300,691
5. Medical Center Hospital .....	1,065,062	35,087,760	36,152,822
6. Newborn Growth and Development Program .....	75,209		75,209
7. Division of Allied Health .....	716,915	123,902	840,817
8. School of Nursing .....	660,144	241,903	902,047
9. Nursing Scholarships .....	16,983	5,900	22,883
10. Research, Public Service and Extension .....	86,368	41,301	127,669
11. Paramedic Training Program	131,010	70,801	201,811
12. Basic Medical Sciences .....	257,168		257,168
13. Birth Defect Genetic Center .	185,599		185,599
14. Auxiliary Enterprises .....		<u>4,637,461</u>	<u>4,637,461</u>

SOURCE OF FUNDS:

(1) ASETF .....	23,903,568		
(2) Other Funds .....		<u>59,000,774</u>	
Total University of South Alabama	<u>23,903,568</u>	<u>59,000,774</u>	<u>82,904,342</u>

XI. Board of Trustees of Troy State University

A. Troy State University

1. Operations and Maintenance at Troy .....	6,759,200	4,702,289	11,461,489
2. Operations and Maintenance at Ft. Rucker/Dothan .....	926,250	1,266,724	2,192,974

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3. Operations and Maintenance in Montgomery .....	237,500	1,625,065	1,862,565
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	53,200	543,777	596,977
6. School of Nursing-Montgomery	237,500	20,047	257,547
7. Branch Campus at Phenix City	80,750	428,506	509,256
8. Auxiliary Enterprises .....		<u>3,943,007</u>	<u>3,943,007</u>

## SOURCE OF FUNDS:

(1) ASETF .....	8,330,400		
(2) Other Funds .....		<u>12,529,415</u>	
Total Troy State University .....	<u>8,330,400</u>	<u>12,529,415</u>	<u>20,859,815</u>

## XII. Board of Trustees for Alabama Institute for Deaf and Blind

## A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance ..	5,200,000	2,267,127	7,467,127
B. Department of Adult Blind and Deaf			
1. Special Technical Facility ....	1,485,840	2,340,572	3,826,412
2. Industries for the Blind .....	<u>487,000</u>	<u>7,432,278</u>	<u>7,919,278</u>

## SOURCE OF FUNDS:

(1) ASETF .....	7,172,840		
(2) Other Funds .....		<u>12,039,977</u>	
Total Alabama Institute for Deaf and Blind .....	<u>7,172,840</u>	<u>12,039,977</u>	<u>19,212,817</u>

## Section 6.

Governor's Education Program .. 2,000,000

To the State Department of Education-Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program and Liability Insurance.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>2,000,000</u>		
Total Governor's Education Program .....	<u>2,000,000</u>		<u>2,000,000</u>

## Section 7.

## A. SPECIAL MENTAL HEALTH FUND

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,222,284 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$544,707 to be expended for the Center for Development and Learning Disorders.

**B. PUBLIC SCHOOL FUND:**

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated twenty-six million dollars (\$26,000,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-20-(a) on page 17. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1982, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1982.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. All other appropriations in this Act shall be paid on request by the Comptroller in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 10. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 11. This act shall become effective on October 1, 1981.

**MESSAGE FROM THE HOUSE**

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sasser and Moore:

H. J. R. 26. MOURNING THE DEATH OF MRS. LILLIAN N. BENTON.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 26, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Sasser and Grimsley (with notice and proof):

H. 6. Relating to Henry County, Alabama, only; to provide for compensation for the members of the Board of Registrars of Henry County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Sasser and Grimsley (with notice and proof):

H. 7. Relating to Henry County; providing further for the expense allowance of the members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 7, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Reps. Stout and Rains (with notice and proof):

H. 11. Relating to DeKalb County; to provide further for the pay of each deputy sheriff who is engaged in hazardous duties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 11, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Stout (with notice and proof):

H. 12. Relating to the City of Fort Payne, DeKalb County, Alabama; providing further for additional compensation for certain enforcement of



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state laws to certain municipal police officers for hazardous duty pay; excluding certain police officers who perform administrative or ministerial functions; providing that such compensation be paid from the municipality in the same manner as other compensation is paid to police officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 12, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 14. To amend Act No. 81-229, 1981 Regular Session, entitled, "Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations," so as to provide further for the fees and disbursement thereof on private enterprises which made a profit burying or storing hazardous waste.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 14, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 15. Relating to Choctaw County; to provide an additional expense allowance for members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 15, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Turnham, Ward and Whatley (with notice and proof):

H. 35. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to provide for the expiration of those taxes levied and imposed under authority of Act No. 81-553 which is to be repealed concurrently with the effective date of any levy of taxes authorized in this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 35, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 39. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 39, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps Hammett, Holley and Daniels (with notice and proof):

H. 56. To authorize the Covington County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to provide certain exceptions thereto.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 56, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Venable (with notice and proof):

H. 66. To authorize the Elmore County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 66, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Grouby (with notice and proof):

H. 73. Relating to law enforcement in Autauga County; to amend Act No. 871, H. 1200 of the Regular Session, 1969 (Acts 1969, p. 1580) as heretofore amended, an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 73, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Grouby and Edwards (with notice and proof):

H. 74. Relating to Lowndes County; amending Section 1 of Act No. 80-319, S. 543 of the 1980 Regular Session (Acts 1980, p. 439), relating to clerical assistants for the tax assessor and tax collector of such county, so as to further provide that the Lowndes County Commission may appoint for each such official one additional full-time assistant and set the compensation payable for all clerical assistants to such officials, and making the provisions retroactive.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 74, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 6, 7, 11, 12, 14, 15, 35, 56, 66, 73 and 74. To the Committee on Local Legislation No. 1.

H. B. 39. To the Committee on Local Legislation No. 2.

#### FURTHER CONSIDERATION OF S. B. 34

The Senate proceeded to further consideration of the Bill, S. B. 34. The question was on the substitute offered by Mr. Barron.

#### RESOLUTION

Messrs. Cook, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullette, Hall, Harrison, Hibbinbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 28. EXPRESSING THE APPRECIATION OF THE SENATE FOR THE FRIENDSHIP AND SERVICES OF CLAUDE DUNCAN.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 13. COMMENDING DR. DAVID TIFFANY.

Also:

H. J. R. 17. COMMENDING HELEN TILLEY AS MISS WHEEL-CHAIR ALABAMA 1981.

Also:

H. J. R. 18. COMMENDING MISS ANITA SMITH OF LINEVILLE, CLAY COUNTY, ALABAMA.

Also:

H. J. R. 22. MOURNING THE DEATH OF MRS. CLARA STONE COLLINS OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 29. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO PENDING S. B. 87 OF THE 1981 FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the important constitutional questions which have arisen concerning the pending S. B. 87 of the 1981 First Special Session, which bill pertains, inter alia, to creating three new judgeships in the Tenth Judicial Circuit, providing for their appointment, qualifications, powers, duties and compensation and benefits. Copies of said bill are attached hereto and made a part hereof by reference.

1. Does Section 1 of this bill contravene Amendment 83 of the Constitution of 1901?
2. Does Section 2 of this bill contravene Amendment 83 of the Constitution of 1901?
3. Does Section 1 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?
4. Does Section 2 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?
5. Does Section 2 propose a local law within the meaning of Article 4, Section 106 of the Constitution?
6. Does Section 6 propose a local law within the meaning of Article 4, Section 106 of the Constitution?
7. Does the provisions of this bill violate the provisions of Article 4, Section 110?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 87 with attachments to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 34

The Senate proceeded to further consideration of the Bill, S. B. 34. The question was on the substitute offered by Mr. Barron.

Mr. Callahan offered the following amendment to the substitute for the bill, S. B. 34, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 34

On page 41, line 30 change, operations & maintenance from 11,328,316 to 12,328,316.

Further on line 30, change the total operations & maintenance from 21,458,748 to 22,458,748.

On page 42, line 20 change 23,903,568 to 24,903,568, further on line 20 change the total appropriation figure from 82,904,342 to 83,904,342.

On motion of Mr. Barron, said amendment was laid on the table.

Yeas 22; Nays 5.

*Yeas:*

Messrs.:	Harrison	McDonald	Robertson
Bailey	Higginbotham	Miller	St. John
Barron	Holmes	Mitchem	Smith
deGraffenried	keener	Parsons	Taylor
Goodwin	Little	Pearson	Teague
Hall	Martin	Proctor	—22

*Nays:*

Messrs.:	Glass	Kirkland	White
Callahan	Gulledge		—5

The question then recurred on the substitute offered by Mr. Barron.

On motion of Mr. Pearson, said substitute was laid on the table.

Yeas 22; Nays 7.

*Yeas:*

Messrs.:	Harrison	Little	Pearson
Bailey	Higginbotham	Martin	Proctor
Denton	Hilliard	McDonald	St. John
Goodwin	Holmes	Miller	Smith
Gulledge	Keener	Mitchem	Teague
Hall	Kirkland	Parsons	—22

*Nays:*Messrs.:  
BarronCallahan  
deGraffenriedGlass  
RobertsonTaylor  
White

—7

Mr. Keener offered the following amendment to the Bill, S. B. 34, to-wit:

## AMENDMENT TO S. B. 34

Amend S. B. 34 in Section 4 on page 34, lines 11, 13 and 15 by striking the figure "162,750" and inserting in lieu thereof the following:

"175,000".

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Harrison offered the following amendment to the Bill, S. B. 34, to-wit:

## AMENDMENT TO S. B. 34

Amend Senate Bill No. 34 Page 46 Line 19, 20, 21, 22 by inserting the following and renumbering all subsequent lines and making appropriate numeral changes;

- |   |        |        |
|---|--------|--------|
| (3) Eclectic, Alabama High School Band, conditional upon the availability of funds and the approval of the Governor . . . . . | 10,000 | 10,000 |
|---|--------|--------|

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Callahan offered the following amendment to the Bill, S. B. 34, to-wit:

## AMENDMENT TO S. B. 34

Amend Senate Bill 34, Section 3A by inserting on page 14, line 10, a new subsection 13 and renumbering the subsequent subsections.

The new subsection 13 is to read as follows:

13. Study Commission, Alabama Education

- |                                   |         |
|-----------------------------------|---------|
| (a) Advisory Services Program . . | 100,000 |
|-----------------------------------|---------|

SOURCE OF FUNDS:

- |  |         |         |
|--|---------|---------|
| (1) ASETF . . . . .                                | 100,000 |         |
| Total Alabama Education Study Commission . . . . . | 100,000 | 100,000 |

(to be expended in accordance with Act No. 15, 1969 Special Session)

Also amend Senate Bill 34 on page 7, line 11 by deleting the figures 2,240,000 and inserting in lieu thereof the figures 2,140,000 and adjusting the totals accordingly.

On motion of Mr. Pearson, said amendment was laid on the table.

And said Bill, S. B. 34, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 21; Nays 11.

*Yeas:*

Messrs.:	Gulledge	Little	Proctor
Cook	Hall	McDonald	St. John
deGraffenried	Hilliard	Miller	Smith
Denton	Holmes	Parsons	Teague
Figures	Kirkland	Pearson	Vacca
Goodwin	Lemaster		

—21

*Nays:*

Messrs.:	Callahan	Keener	Robertson
Bailey	Glass	Martin	Taylor
Barron	Harrison	Mitchem	White

—11

Mr. Pearson moved that the Senate reconsider the vote by which the Bill, S. B. 34, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

Mr. Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. COMMENDING THE COUNTRY MUSIC GROUP  
"ALABAMA"

WHEREAS, it is with deep pride and pleasure that the Alabama Legislature commends the group "Alabama" for its success nationally in the field of country music; and

WHEREAS, the members of the group, Messrs. Randy Owens, Jeff Cook and Teddy Gentry, all natives of DeKalb County, Alabama, and Mr. Mark Herndon have brought considerable favorable attention to the State of Alabama; and

WHEREAS, "Alabama" has recorded four successful hits including, "My Home's In Alabama," "Tennessee River," and others which reflect on the group's background in the state; and

WHEREAS, "Alabama" has appeared on many national television shows such as "The Tom Snyder Show," "The Country Music Awards" annual telecast, "Austin City Limits" on the Public Broadcast System, the "Barbara Mandrell Show" and many others as well; and

WHEREAS, the excellent and public acceptance of the group has been illustrated by the Country Music Awards nominations as "Vocal Group of the Year" and "Instrumental Group of the Year"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and heartily congratulate "Alabama" on its success and cordially request an appearance and performance before an informal gathering of the members of the Legislature at the convenience of the band and furthermore direct that each member of the band receive a copy of this resolution.

On motion of Mr. Lemaster, the Rules were suspended and the Resolution was adopted by the Senate.

## RECESS

At 12:20 P. M., on motion of Mr. St. John, the Senate took a recess until 1:45 P. M. this afternoon.

This recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 26. MOURNING THE DEATH OF MRS. LILLIAN N. BENTON.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 32. To propose an amendment to the Constitution of Alabama of 1901 (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1983, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this Amendment prohibiting final passage for certain bills in either house may be made inapplicable by four-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of the Amendment prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in the Amendment shall be construed as requiring the Legislature to make any appropriation not otherwise required by the Constitution to be made.



was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 32, to-wit:

COMMITTEE AMENDMENT TO S. B. 32

Amend Senate Bill No. 32 Page 1, Line 21, by striking out

"four-fifths"

after the word by and inserting in lieu thereof

"two-thirds"

Further amend on Page 2 Line 17, by striking out

"four-fifths"

after the word by and inserting in lieu thereof

"two-thirds"

Further amend on Page 4 Line 7, by striking out

"four-fifths"

and inserting in lieu thereof

"two-thirds"

Mr. Callahan offered the following amendment to the Committee amendment to the Bill, S. B. 32, to-wit:

AMENDMENT TO COMMITTEE AMENDMENT TO S. B. 32

Amend Senate Bill No. 32 and to F & T Amendment to S. B. 32 Page 1 Line 21 by striking out 2/3 and inserting in lieu thereof 3/5 and anywhere else it may appear in said amendment.

Which was adopted.

And said Committee amendment, as thus amended, was then adopted.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Harrison	Little	Proctor
Britnell	Higginbotham	Martin	Robertson
Callahan	Hilliard	McDonald	St. John
Cook	Holmes	Miller	Smith
Denton	Keener	Mitchem	Teague
Figures	Kirkland	Parsons	Vacca
Glass	Lemaster	Pearson	White
Hall			

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*Nay:* Mr. Barron.

—1

Mr. McDonald offered the following amendment to the Bill, S. B. 32, as amended, to-wit:

## AMENDMENT TO S. 32, AS AMENDED

Amend S. B. 32 as follows:

On page 1, line 13, after the period, delete the word "Until" and insert the following language:

After the fifteenth legislative day and until

On page 2, line 4, after the word "that," insert the following language:  
after the fifteenth legislative day and

On page 3, line 29, after the language "January 1, 1983," insert the following language:

after the fifteenth legislative day,

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Lemaster offered the following amendment to the Bill, S. B. 32, as amended, to-wit:

## AMENDMENT TO S. B. 32, AS AMENDED

Amend S. B. 32 Page 4 Line 26, by shifting section E down & inserting in lieu thereof a new section E and numbering the remaining section accordingly.

Add new Section E:

No bill passed by either Chamber prior to the 20th legislative day of a regular session may be pocket-vetoed by the governor.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. Proctor offered the following amendment to the Bill, S. B. 32, as amended, to-wit:

## AMENDMENT TO S. B. 32, AS AMENDED

Amend Senate Bill No. 32 Page 4 Line 34, by striking out after the word "held" the words "at the first statewide primary or general election"

And also on page 3 Line 22 by striking the word "1983" and inserting in lieu thereof "1982"

And also on page 2 line 3 by striking the numbers 1983 and inserting in lieu thereof "1982"

Which was adopted.

Yeas 31; Nays 1.

*Yeas:*

Messrs.:	Figures	Holmes	Parsons
Bailey	Glass	Keener	Pearson
Barron	Goodwin	Kirkland	Proctor
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Taylor
Cook	Harrison	McDonald	Teague
deGraffenried	Higginbotham	Miller	Vacca
Denton	Hilliard	Mitchem	White

*Nay:* Mr. Smith.

—1

Mr. Smith offered the following amendment to the Bill, S. B. 32, as amended, to-wit:

AMENDMENT TO S. B. 32, AS AMENDED

Amend Senate Bill No. 32 Page 4 by inserting a new sub-section "G" in Section "I" and replacing with a new section G

"This Act shall become effective immediately after vote of the people but effective for only two years, unless reaffirmed by resolution of Legislature by 3/5 vote of the membership in the regular session of 1983. If reaffirmed, such act shall remain in effect unless repealed or amended."

On motion of Mr. Miller, said amendment was laid on the table.

And said Bill, S. B. 32, as amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 2.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Hilliard	Parsons	White
Denton	Holmes	Pearson	
Figures	Keener		

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*Nays:* Messrs.: McDonald and Smith.

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Mr. Pearson moved that the Senate reconsider the vote by which the Bill, S. B. 32, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 31. MOURNING THE DEATH OF MR. H. J. HARRELL, PROMINENT ENTERPRISE INDUSTRIALIST.

WHEREAS, the Alabama Legislature has noted with sorrow and deep regret the death of Mr. H. J. "Tony" Harrell of Enterprise, Alabama, on June 12, 1981, at the age of 73; and

WHEREAS, a prominent Enterprise industrialist, Mr. Harrell was the founder and former owner and operator of both the Harrell Milling Company and Southland Poultry Company; and

WHEREAS, Mr. Harrell was a longtime and faithful member of the First Baptist Church which he served as Chairman of the Board of Deacons; and

WHEREAS, he also was a member of the Enterprise Rotary Club, a member of the Alabama Poultry Hall of Fame, and had often been referred to as the Father of the poultry industry in Southeast Alabama; and

WHEREAS, Mr. Harrell was one of his community's most outstanding citizens and his death has left a deep void in the lives of his family, many friends and fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. H. J. "Tony" Harrell of Enterprise, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Bobbie Harrell, to their son, Jack Harrell, and their daughter, Mrs. Evelyn Hobbs, and other family members to whom copies of this resolution shall be sent.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. RECOGNIZING MR. CLAUDE M. ELROD FOR HIS CONTRIBUTIONS TO SNEAD STATE JUNIOR COLLEGE.

WHEREAS, Mr. Claude M. Elrod of Boaz, Alabama, has served as member and chairman of the Snead State Junior College Board of Trustees and of the Snead State Junior College Advisory Board for the past 30 years; and

WHEREAS, Mr. Elrod has been a constant benefactor of the college in both personal time and financial resources; and

WHEREAS, examples of his many contributions to the college include financial support toward the construction of the Claude M. Elrod Science Building and the establishment of the Claude M. Elrod and the Lila S. Elrod Memorial Scholarship Funds; and

WHEREAS, Mr. Claude M. Elrod's latest contribution to the college is his \$96,000 residence contiguous to the college campus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Claude M. Elrod of Boaz, Alabama, is hereby recognized and commended for his many contributions of time and resources to Snead State Junior College.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of Snead State Junior College, and to Mr. Claude M. Elrod in token of our sincere praise, deep appreciation and warm personal regard.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. COMMENDING MR. BENJAMIN D. MCGHEE, PROMINENT ALABAMA EDUCATOR.

WHEREAS, it is with utmost pleasure that the Legislature of Alabama notes the outstanding career of Mr. Benjamin D. McGhee as a public school educator; and

WHEREAS, educated at Miles College and at New York University, Mr. McGhee's prestigious tenure in the field of education spanned a period of some 40 years; and

WHEREAS, first employed as a teacher at Talladega College from 1936 to 1937, Mr. McGhee was then associated variously with the Birmingham

School System for more than 30 years as teacher, coach and principal at Washington Elementary School, Parker High School, Thomas Elementary School, and at Whatley Elementary School, as well; and

WHEREAS, in 1968, Mr. McGhee joined the Jefferson County School System as Principal of Powderly Elementary School and in which capacity he remained until his retirement in 1975; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Educator Benjamin D. McGhee on his illustrious career and direct that he receive a copy of this resolution evidencing our high praise and esteem.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson then offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING EDWARD D. JENKINS FOR HIS DEDICATED 40-YEAR CAREER IN THE JEFFERSON COUNTY AND BIRMINGHAM SCHOOL SYSTEMS.

WHEREAS, the Alabama Legislature has noted the long years of service by Edward D. Jenkins to the Jefferson County and Birmingham school systems; and

WHEREAS, in 1935 Mr. Jenkins began his teaching career, which spanned some 40 years, first in the Jefferson County School System and in 1944 in the Birmingham School System where he first became associated with Parker High School, and hundreds of students came under his tutelage as science teacher from 1944 to 1975, as assistant coach in track and basketball from 1945-1947 and as football coach from 1945 until his retirement in 1975; and

WHEREAS, Mr. Edward D. Jenkins' greatest accomplishments are evidenced in the success of so many of his students who credit Mr. Jenkins with their own accomplishments because their lives were influenced by his teaching, coaching and wise counsel and who will long remember his many personal kindnesses and quiet understanding; and

WHEREAS, Mr. Jenkins received his higher education at Alabama State University, Montana State University and the University of Alabama at Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Edward D. Jenkins on his outstanding career, and express our deep appreciation for his years of service to the young men and women of our state who have reaped the rewards of his counsel and guidance.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Edward D. Jenkins that he may know of our esteem and of our warm best wishes for every future success.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 33. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the

state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor	
Bailey	Gulledge	Martin	St. John	
Barron	Hall	McDonald	Smith	
Callahan	Harrison	Miller	Taylor	
Cook	Hilliard	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	White	
Glass	Kirkland			—29

*Nays:* —0

The Bill:

S. 14. To appropriate \$250,000.00 from the state general fund to the state oil and gas board for the fiscal year ending September 30, 1982 for the general operations of the board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson	
Bailey	Gulledge	Martin	St. John	
Barron	Hall	McDonald	Smith	
Callahan	Harrison	Miller	Taylor	
Cook	Hilliard	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	White	
Glass	Kirkland	Proctor		—30

*Nays:* —0

The Bill:

S. 31. To make a supplemental appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1981, from the general fund of the state treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Callahan	deGraffenried	Figures
Bailey	Cook	Denton	Glass

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Goodwin	Little	Parsons	Smith	
Gulledge	Martin	Pearson	Taylor	
Hall	McDonald	Proctor	Teague	
Holmes	Miller	Robertson	Vacca	
Keener	Mitchem	St. John	White	
Kirkland				—28
Nay: Mr. Barron.				—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 77. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 79. To provide that beginning with the 1981-82 school year driver education shall not be a requirement for graduation; to provide that county and city boards of education may offer driver education subject to such rules and regulations as the state board of education may adopt; and to repeal Section 16-40-5 of the Code of Alabama 1975, relating to driver education requirements and conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 79. To the Committee on Education.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 78. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 78. To the Committee on Finance and Taxation.

## ADJOURNMENT

At 5:30 P. M., on motion of Mr. St. John, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 11, 1981, at 1 o'clock P. M.



## FOURTH LEGISLATIVE DAY

TUESDAY, AUGUST 11, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Henry Eddins, Pastor, St. James United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

## RECESS

At 1:10 P.M., on motion of Mr. Pearson, the Senate took a recess until 2:30 P.M. this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

### REPORTS OF COMMITTEES

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Higginbotham, Barron, Goodwin, Callahan, Mitchem, Little, White, Lemaster, Smith, Martin, Miller, Bailey, Vacca, St. John, Cook, Gullledge and McDonald:

S. 18. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

The above Bill was read a second time at length as required by the Constitution.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 79. To provide that beginning with the 1981-82 school year driver education shall not be a requirement for graduation; to provide that county and city boards of education may offer driver education subject to such rules and regulations as the state board of education may adopt; and to repeal Section 16-40-5 of the Code of Alabama 1975, relating to driver education requirements and conflicting laws.

By Mr. Hall:

S. 63. To provide that the health form for pre-school children required by the department of education shall be sufficient for any other state agency or political subdivision requiring health forms; and to specifically repeal any rule, regulation or law in conflict with the provisions of this act.

By Mr. Hall:

S. 64. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (with notice and proof):

S. 53. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next terms of office of said officers and the beginning of each term of office of said officers hereafter.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Proctor (With Substitute) (With Amendment):

S. 37. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Sasser and Grimsley (with notice and proof):

H. 6. Relating to Henry County, Alabama, only; to provide for compensation for the members of the Board of Registrars of Henry County.

By Reps. Sasser and Grimsley (with notice and proof):

H. 7. Relating to Henry County; providing further for the expense allowance of the members of the county commission.

By Rep. Minus (with notice and proof):

H. 14. To amend Act. No. 81-229, 1981 Regular Session, entitled, "Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations," so as to provide further for the fees and disbursement thereof on private enterprises which make a profit burying or storing hazardous waste.

By Rep. Minus (with notice and proof):

H. 15. Relating to Choctaw County; to provide an additional expense allowance for members of the county commission.

By Reps. Turnham, Ward and Whatley (with notice and proof):

H. 35. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to provide for the expiration of those taxes levied and imposed under authority of Act No. 81-553 which is to be repealed concurrently with the effective date of any levy of taxes authorized in this act.

By Reps. Hammett, Holley and Daniels (with notice and proof):

H. 56. To authorize the Covington County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to provide certain exceptions thereto.

By Rep. Venable (with notice and proof):

H. 66. To authorize the Elmore County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Grouby (with notice and proof):

H. 73. Relating to law enforcement in Autauga County; to amend Act No. 871, H. 1200 of the Regular Session, 1969 (Acts 1969, p. 1580) as heretofore amended, an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees.

By Reps. Grouby and Edwards (with notice and proof):

H. 74. Relating to Lowndes County; amending Section 1 of Act No. 80-319, S. 543 of the 1980 Regular Session (Acts 1980, p. 439), relating to clerical assistants for the tax assessor and tax collector of such county, so as to further provide that the Lowndes County Commission may appoint for each such official one additional full-time assistant and set the compensation payable for all clerical assistants to such officials, and making the provisions retroactive.

By Reps. Stout and Rains (with notice and proof):

H. 11. Relating to DeKalb County; to provide further for the pay of each deputy sheriff who is engaged in hazardous duties.

By Rep. Stout (with notice and proof):

H. 12. Relating to the City of Fort Payne, DeKalb County, Alabama; providing further for additional compensation for certain enforcement of state laws to certain municipal police officers for hazardous duty pay; excluding certain police officers who perform administrative or ministerial functions; providing that such compensation be paid from the municipality in the same manner as other compensation is paid to police officers.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cook:

S. 80. To authorize constables to hire deputies; and to provide for the compensation, duties and term of office of such deputy.

By Mr. Goodwin:

S. 84. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of a certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses.

By Mr. St. John:

S. 86. To amend Section 11-50-393, Code of Alabama 1975, so as to authorize an increase in the fees payable to members of the board of directors; to provide for the election of a chairman of the board of directors; to provide an effective date.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Moore (with notice and proof):

H. 39. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 39. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

By Mr. Vacca:

S. 66. To provide a supplemental appropriation from the general fund to the Department of Youth Services, Roebuck Campus for capital outlay purposes.

By Mr. Robertson:

S. 75. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

By Mr. Kirkland:

S. 79. To amend Section 36-30-20 of the Code of Alabama 1975, as last amended by Act No. 81-661, H. 578, of the 1981 Regular Session, which defines the term "state trooper" for compensation for death or disability from occupational diseases, so as to include law enforcement officers of the state forestry commission within said definition.

By Mr. Barron:

S. 81. To amend Act No. 81-258, Acts of Alabama, Regular Session 1981, so as to repeal Section 2 of the Act which provides that sums collected in excess of the rate of interest provided by statute shall be deposited in the general fund.

By Messrs. Keener, St. John, deGraffenried and Martin:

S. 85. To authorize the Alabama Supreme Court to hire six staff attorneys and to pay the necessary salaries and expenses thereof, in addition to the staff presently employed by said Court; to make an appropriation out of the state general fund to cover said salaries and expenses.

By Mr. deGraffenried:

S. 82. To amend Act No. 81-770, S. 561, 1981 Regular Session, which created the Mental Health Capital Outlay Oversight Commission, so as to provide further for the compensation and clerical assistance of the commission and to provide for its retroactive effect.

By Mr. Pearson:

S. 87. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to prescribe definitions and legislative intent; to provide for the appointment of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to amend Section 12-17-20 of the Code of Alabama 1975; to make an appropriation to the unified judicial system from the general fund of the state treasury for the fiscal years ending September 30, 1981 and September 30, 1982; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this act; and to provide that the provisions of the act are nonseverable.

By Mr. Robertson:

S. 74. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

By Rep. Owens:

H. 78. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Callahan, St. John, Gulledge, Little, Proctor, Kirkland, Cook, Harrison and Martin (With Substitute):

S. 17. To propose a constitutional amendment creating a reserve fund to be administered by the state treasurer under the direction of a select committee.

The above Bill was read a second time at length as required by the Constitution.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 88. To provide for the granting of up to two (2) years creditable service under the Teachers' Retirement System for employment service in any School of Organic Education; to provide for the methods and procedures to calculate the members' contributions required to purchase such credit and conditions for eligibility; and to provide that the members shall pay the total cost for such credit.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendments):

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kelley and Rains (with notice and proof):

H. 46. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 46, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Ward, Turnham, Laird and Harper (O) (with notice and proof):

H. 91. Relating to the Cities of Lanett and Valley in Chambers County; authorizing said cities to contract for municipal services.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 92. Relating to Randolph County; to further regulate probate court fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 92, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 93. To authorize the Randolph County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 93, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 46, 91, 92 and 93. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Cheatwood (with notice and proof):

H. 19. To alter or rearrange the boundary lines of the Town of Nectar, Blount County, Alabama, so as to include therein and within the corporate limits of said Town territory not already included therein.



I hereby certify that the Notice & Proof is attached to the Bill, H. B. 19, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 42. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Thorsby in Chilton County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 42, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 50. Relating to Tuscaloosa County; providing an additional expense allowance for the sheriff and an expiration date therefor; and providing further for the sheriff's compensation in the next term of office for sheriff.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 50, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERSON,  
Clerk.

Also:

By Rep. Kelley (with notice and proof):

H. 45. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 45, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 19, 42, 50 and 45. To the Committee on Local Legislation No. 1.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Gullledge:

S. 89. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 90. To amend Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to correct typographical errors and to add an appropriation for the Board of Polygraph Examiners.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 91. To make further appropriations of State Funds for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 92. To create an additional judgeship for the Fifteenth Judicial Circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as Judge of the Family Relations Division of the Circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

Committee on Finance and Taxation.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 35. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business

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taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the first Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 12	6	Muni. Bd. of Ed., members, leg may prescribe by local law
S. B. 2	5	Sec. of State, approp. cond.
S. B. 3	5	Sec. of State, approp. suppl.
S. B. 46	15	L.E.O., overtime pay limit
S. B. 19	9	Publ. officers, comp. withheld if indicated c/a
S. B. 23	15	St. Agencies, bldg. comm. to approve buy & sell
S. B. 70	17	Cystic Fibrosis, ctr. for basic science research, approp.
S. B. 38	16	Empl's. merit sys., class., comp., sick leave
S. B. 28	10	Food, donated free of charge, liab.
S. B. 25	12	Muni. Improvements assessed, int. rate
S. B. 6	2	Arts & Humanities, merit system
S. B. 41	22	Agri. Fairs, awards comm., incr.
S. B. 4	7	10th Jud. Circ., judges, salary
S. B. 43	13	State lands, lease exempt. adv. & apprail.
S. B. 35	7	Auburn Univ., trustees, incr. number c/a
S. B. 9	1	Empl's. salary inc.
S. B. 76	24	Poor and Disadvantaged, services
S. B. 40	3	Empl's. longevity pay

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 27. MOURNING THE DEATH OF MR. ARDIS EDMUND McCANTS, FORMER LONGTIME EMPLOYEE OF THE BIRMINGHAM NEWS.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

Mr. Hall offered the following substitute for the Resolution, H. J. R. 27, set out in the foregoing Message from the House, to-wit:

## SUBSTITUTE FOR H. J. R. 27

H. J. R. 27. MOURNING THE DEATH OF MR. ARDIS EDMUND McCANTS, FORMER LONGTIME EMPLOYEE OF THE BIRMINGHAM NEWS.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the death of Mr. Ardis Edmund McCants of Trussville, Alabama, on July 26 1981, at the age of 63; and

WHEREAS, a native of Hartford in Geneva County, Alabama, Mr. McCants also was a former resident of Tallahassee, Florida, and had attended Emory University in Atlanta, Georgia, where he was a member of Kappa Alpha Order; and

WHEREAS, he was a retired Lieutenant Commander in the United States Naval Reserve who had served in the Pacific Theater for more than three years during World War II; and

WHEREAS, a veteran newsman, Mr. McCants was Associated with newspapers in Gadsden, Dothan, Anniston, Cedartown, Georgia, and Atlanta, and was an employee of The Birmingham News for some 20 years, retiring as Copy Editor in 1978; and

WHEREAS, he was a former president of the Alabama Associated Press Association, a member of the Society of Professional Journalists, Sigma Delta Chi, and other professional organizations; and

WHEREAS, Mr. McCants was a longtime and faithful member of the First United Presbyterian Church of Trussville, serving as a ruling elder at the time of his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Ardis Edmund McCants of Trussville, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Mary Herndon McCants, their son, Donald Leslie McCants, and daughters, Mrs. Laura Reddick and Mrs. Elizabeth Hughins, to whom copies of this resolution shall be sent.

Which was adopted.

And on motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 27, as thus amended by the substitute, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 30. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn

today, Tuesday, August 11, 1981, we adjourn to meet again on Wednesday, August 12, 1981; when we adjourn on Wednesday, August 12, we adjourn to meet again on Thursday, August 13, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 30, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 32. RELATING TO THE PRINTING OF THE JOURNALS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the printed Journals of the Extraordinary Session of 1981 be bound with the printed Journals of any future special sessions of 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 32, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Campbell, Crow, Willis, Dial and Bennett:

H. J. R. 34. CONGRATULATING DR. THERON MONTGOMERY, PRESIDENT OF JACKSONVILLE STATE UNIVERSITY.

Also:

By Rep. Smith (C):

H. J. R. 35. COMMENDING MR. JAMES CUSIC HOLLIS ON HIS OUTSTANDING CAREER IN VOCATIONAL EDUCATION.

Also:

By Rep. Smith (C):

H. J. R. 36. CONGRATULATING THE INDEPENDENT ADVERTISER ON ITS RECENT AWARD.

Also:

By Reps. Turnham, Whatley, Ward, Smith (C), Carothers, Grimsley, McCorquodale, Letson, Bowling, Harvey, Adams (H), Cates, Venable, Penry and Edwards:

H. J. R. 37. COMMENDING DEAN ROY DENNIS ROUSE OF AUBURN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Cook, the Rules were suspended and the Resolutions, H. J. R.'s 35 and 36, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 37, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MOTION IN WRITING

Mr. Callahan offered the following Motion in Writing, to-wit:

I move that when we adjourn today that we convene at 1:00 p.m. on the next Legislative day, Wednesday, August 12, 1981.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Smith (C), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 33. EXPRESSING APPRECIATION TO THE CLANTON, ALABAMA, JAYCEES.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 33, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Messrs. Little and Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 36. COMMENDING THE DADEVILLE HIGH SCHOOL TIGERS FOR OUTSTANDING ACHIEVEMENT IN SPORTS.

WHEREAS, it's with utmost praise that the Alabama Legislature notes the outstanding records posted by the Dadeville High School football, basketball and baseball teams; and

WHEREAS, on the gridiron, Dadeville's 1980 Tiger team, under Head Coach Wayne Keahey, advanced to the State 2A playoffs for the first time in the history of the play-off system, having ended the regular season with an 8-2 record, going 4-0 in area play and capturing the regional title; and

WHEREAS, Dadeville's Cagers, also Regional Champions, were directed to an outstanding season on the courts by Coach Jimmy Jones, and to a berth in the state 2A tournament, the second time in seven years for the Tigers; and

WHEREAS, in baseball, Dadeville High School was again up front for honors going all the way to the semi-finals of the state baseball playoffs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Tigers of Dadeville High School on their spectacular success during the 1980-81 football, basketball and baseball seasons.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Dadeville High School with copies also sent to the coaching staff on behalf of all members of the three teams.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 19. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 19, to-wit:

SUBSTITUTE FOR S. J. R. 19

S. J. R. 19. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of members of the Senate Finance and Taxation Committee, members of the House Ways and Means Committee and two members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance and allocation of Federal Block Grants.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$15,000.

Mr. White offered the following amendment to the substitute for the Resolution, S. J. R. 19, to-wit:

#### AMENDMENT TO SUBSTITUTE FOR S. J. R. 19

Amend S. J. R. 19, page 1, line 23, by striking out the period after the word "Grants" and adding the following: "except those relating to health and welfare."

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

And said Resolution, S. J. R. 19, as thus amended by the substitute, was then adopted by the Senate.

#### RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. REQUESTING THE DEPARTMENT OF REVENUE TO STUDY TAX INCENTIVES TO ENCOURAGE INDIVIDUALS TO CARE FOR DEPENDENT ADULT FAMILY MEMBERS.

WHEREAS, the Legislature notes that families provide the major portion of support and assistance to Alabama's elderly citizens whose capabilities are limited by physical or mental impairments; and

WHEREAS, the Legislature believes that the State should encourage and assist families to care for dependent elderly relatives in their own homes in order to avoid institutionalization whenever possible; and

WHEREAS, the tax laws of this State currently offer little encouragement to families to provide care and support for their elderly family members; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Revenue is hereby requested to study all possible tax incentives to encourage families to care for dependent adult family members in their own homes.

BE IT FURTHER RESOLVED, That the study shall consider tax incentives which have been established by other states and determine the applicability of similar innovations in the tax laws of Alabama; the study should determine the cost to the State associated with each tax incentive that is considered and the Legislative Fiscal Office is requested to provide any assistance necessary for this study.

RESOLVED FURTHER, That the Department of Revenue shall present its findings and recommendations to the Legislature no later than the fifteenth legislative day of the 1982 Regular Session of the Legislature.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

UNANIMOUS CONSENT GRANTED

On motion of Mr. Callahan, unanimous consent was granted to add the Bill, S. B. 16, to the top of the special order calendar, S. R. 35.

LOCAL BILLS ON THIRD READING

The Bill:

S. 36. Relating to Marion County; amending Act No. 79-642, H. 940, 1979 Regular Session (Acts 1979, p. 1124), which provides for clerical assistance for the tax assessor and tax collector, so as to increase the number and compensation of said clerical assistance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Smith
Bailey	Hilliard	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Cook	Keener	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Little	St. John	White
Goodwin	Martin		

—25

*Nays:*

—0

The Bill:

S. 47. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

*Nays:*

—0

The Bill:

S. 48. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

*Nays:*

—0

The Bill:

S. 49. Relating to Escambia County; amending Sections 1 and 2 of Act No. 205, S. 375, 1969 Regular Session (Acts 1969, p. 524), as amended, relating to pistol permit fees in certain counties classified on a population basis, so as to increase the amount of such fees and provide further for the use thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays:

—0

The Bill:

S. 58. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 58, to-wit:

COMMITTEE AMENDMENT TO S. B. 58

On page 2, in line 29, delete the word "five" and insert in lieu thereof the word

seven

On page 5, in line 16, delete the word "one" and insert in lieu thereof the word

two

and after the word "member" add

s

On page 5, in line 17 after the word "delegation" insert the following:  
, one member from the House of Representatives and one member from the Senate,

On page 6, in line 25, delete the words "one mayor" and insert in lieu thereof the words

two mayors

On page 6, in line 27, after the word "member" add

s

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:  
Bailey

Barron  
Britnell

Cook  
Denton

Figures  
Goodwin

Gulledge	Lemaster	Pearson	Teague
Hall	Little	Proctor	Vacca
Hilliard	Martin	Smith	Weeks
Holmes	McDonald	Taylor	White
Keener	Mitchem		

—25

*Nays:* —0

And said Bill, S. B. 58, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Hilliard	Mitchem	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Lemaster		

—25

*Nays:* —0

The Bill:

S. 59. Relating to the City of Scottsboro, Jackson County, Alabama; providing for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be elected as herein provided; and providing for the election of such school board if approved in the referendum.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Lemaster		

—25

*Nays:* —0

The Bill:

S. 69. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax collector, tax assessor and probate judge; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Barron	Callahan	Denton
Bailey	Britnell	Cook	Figures

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Goodwin	Keener	Parsons	Taylor	
Gulledge	Little	Pearson	Vacca	
Hall	Martin	Proctor	Weeks	
Hilliard	Miller	St. John	White	
Holmes	Mitchem			—25
<i>Nays:</i>				—0

The Bill:

S. 78. To authorize the governing body of Macon County to impose a county license tax or fee on persons for the privilege of engaging in or following certain trades, occupations, or professions in such county, provided the levy is first approved at a referendum election held for such purpose; providing for the levy and collection of such licenses, for the enforcement thereof, and for the administration of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Hall	Miller	Smith	
Britnell	Harrison	Mitchem	Taylor	
Callahan	Hilliard	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 50. Relating to the Cities of Lanett and Valley in Chambers County; to authorize a contractual agreement between said cities relating to the distribution of certain taxes on sales by public utilities within the overlapping police jurisdiction of said cities; and to ratify any such prior agreement.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 16. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

And said Bill, S. B. 16, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Parsons	
Bailey	Gulledge	Lemaster	Smith	
Barron	Hall	Little	Taylor	
Britnell	Higginbotham	Martin	Teague	
Callahan	Hilliard	Miller	Vacca	
Denton	Holmes	Mitchem	White	
				—23

*Nays:* —0

The Bill:

S. 12. To amend Section 16-11-3 of the Code of Alabama 1975 relating to the appointment of members of the board of education by the municipal governing body, so as to provide that by local law the legislature may provide that such members may be elected by the qualified voters as prescribed by such local law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Parsons	
Bailey	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
Callahan	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem	White	
				—23

*Nays:* —0

The Bill:

S. 2. To make a conditional supplemental appropriation to the Office of Secretary of State for the fiscal year ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Little	Smith	
Bailey	Hall	Martin	Taylor	
Barron	Higginbotham	McDonald	Teague	
Britnell	Hilliard	Miller	Vacca	
Denton	Holmes	Mitchem	Weeks	
Goodwin	Kirkland			—21

Nay: Mr. White

—1

The Bill:

S. 3. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the current fiscal year and for the fiscal year ending September 30, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Mitchem
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Higginbotham	Martin	Taylor
deGraffenried	Hilliard	Miller	Vacca
Denton	Holmes		

—21

Nays:

—0

The Bill:

S. 56. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

was taken up.

Mr. Mitchem offered the following amendment to the Bill, S. B. 56, to-wit:

AMENDMENT TO S. B. 56

Amend Section 6, Page 2, Line 24 to read as follows:

Section Six: This act shall take effect at the beginning of the first day of the first second month following its passage and approval by the Governor or otherwise becoming law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Hilliard	Mitchem	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Kirkland	St. John	White
Figures	Little		

—25

Nays:

—0

And said Bill, S. B. 56, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Kirkland	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 23. Providing that a state department or agency must have the approval of the state building commission before selling or purchasing any state land except for such land purchased through eminent domain.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 23, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 23

##### A BILL TO BE ENTITLED AN ACT

Providing that the State of Alabama Highway Department must have the approval of the state building commission before selling or purchasing any state land except for such land purchased through eminent domain.

Be It Enacted by the Legislature of Alabama:

Section 1. All laws to the contrary notwithstanding, before the State Highway Department of the state of Alabama shall sell any state owned land or purchase any additional land for the state, except for such land purchased through eminent domain, the State of Alabama Highway Department must have the approval of the state building commission.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 17; Nays 1.

*Yeas:*

Messrs.:	Britnell	Goodwin	Hall
Bailey	deGraffenried	Gulledge	Higginbotham



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Holmes	Lemaster	Robertson	Weeks	
Keener	Little	Smith	White	
Kirkland	Martin			—17

*Nay:* Mr. St. John. —1

And said Bill, S. B. 23, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 5.

*Yeas:*

Messrs.:	Higginbotham	Kirkland	Teague	
Bailey	Hilliard	Little	Vacca	
Gulledge	Holmes	Mitchem	Weeks	
Hall	Keener	Smith		—14

*Nays:* Messrs.: Barron, Callahan, Martin, St. John and White. —5

The Bill:

S. 19. Proposing an amendment to the Constitution of Alabama of 1901 providing for withholding of salaries and expense allowances of certain elected public officials indicted for felonious offenses pending a determination of their guilt or innocence and providing for forfeiture of such compensation if found guilty and for recoupment of such compensation if found innocent.

was taken up.

Mr. White offered the following amendment to the Bill, S. B. 19, to-wit:

AMENDMENT TO S. B. 19

Amend Senate Bill No. 19, Page 1 and 2

Page 1, Line 11, after the word elected add the words  
and appointed

Page 1, Line 27, after the word elected add the words  
and appointed

Page 2, Line 6, after the word elected add the words  
and appointed

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Teague	
Bailey	Hall	Mitchem	Vacca	
Barron	Hilliard	St. John	Weeks	
deGraffenried	Keener	Smith	White	
Goodwin	Little	Taylor		—18

*Nays:* —0

And said Bill, S. B. 19, as thus amended, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Barron,	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
Cook	Hilliard	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Goodwin	Kirkland	Proctor	White

—27

*Nays:*

—0

Mr. Keener requested and received unanimous consent to have his name added as co-sponsor of the above Bill, S. B. 19.

The Bill:

S. 70. To amend Section 2, Subsection D, 31, of Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to change the appropriation for the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hilliard	Parsons	Taylor
deGraffenried	Holmes	Pearson	Teague
Goodwin	Kirkland	Proctor	Vacca
Gulledge	Lemaster	Robertson	Weeks
Hall	Little	St. John	White
Harrison	Miller	Smith	

—22

*Nays:*

—0

The Bill:

S. 38. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Goodwin	Kirkland	Pearson	—22

*Nays:* —0

On motion of Mr. Keener, the names of Messrs. Barron, Harrison, Miller, Kirkland, Hall, Little and Goodwin were added as co-sponsors of the above Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 6. COMMENDING MAYOR WILLIAM H. TUCK FOR HIS MORE THAN THREE DECADES OF SERVICE TO THE CITY OF EUTAW.

Also:

S. J. R. 7. COMMENDING ROGERS CUNNINGHAM BARNES ON HIS OUTSTANDING SERVICE AND RETIREMENT.

Also:

S. J. R. 8. COMMENDING MR. CLARENCE TURNIPSEED OF BREWTON, ALABAMA, PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

Also:

S. J. R. 11. HONORING MR. JOHN S. WOOD UPON HIS RECENT RETIREMENT AS WASHINGTON COUNTY SUPERINTENDENT OF EDUCATION.

Also:

S. J. R. 12. COMMENDING MRS. MARY BOYKIN, NAMED "WOMAN OF THE YEAR" BY THE CENTRAL BALDWIN CHAMBER OF COMMERCE.

Also:

S. J. R. 13. COMMENDING MISS CINDY ST. JOHN OF FOLEY, ALABAMA, 1981 GIRLS STATE GOVERNOR.

Also:

S. J. R. 14. COMMENDING MR. WARD A. ROGNELSON UPON HIS RETIREMENT AS CITY CLERK FROM THE CITY OF CHILDERSBURG, ALABAMA.

Also:

S. J. R. 24. MOURNING THE DEATH OF MR. HARRY H. PRITCHETT, PROMINENT TUSCALOOSA BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 25. REQUESTING THAT PARKING SPACES IN THE WEST PORTION OF THE STATE PARKING LOT, BETWEEN PELHAM AND KING STREETS, BE RE-STRIPED IN A LOGICAL MANNER COMPATIBLE WITH THE ONE-WAY DIRECTION OF UNION STREET.

Also:

S. J. R. 30. COMMENDING THE COUNTRY MUSIC GROUP "ALABAMA".

Also:

S. J. R. 31. MOURNING THE DEATH OF MR. H. J. HARRELL, PROMINENT ENTERPRISE INDUSTRIALIST.

Also:

S. J. R. 32. RECOGNIZING MR. CLAUDE M. ELROD FOR HIS CONTRIBUTIONS TO SNEAD STATE JUNIOR COLLEGE.

Also:

S. J. R. 33. COMMENDING MR. BENJAMIN D. McGHEE, PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 34. COMMENDING EDWARD D. JENKINS FOR HIS DEDICATED 40-YEAR CAREER IN THE JEFFERSON COUNTY AND BIRMINGHAM SCHOOL SYSTEMS.

Also:

S. J. R. 36. COMMENDING THE DADEVILLE HIGH SCHOOL TIGERS FOR OUTSTANDING ACHIEVEMENT IN SPORTS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 27. MOURNING THE DEATH OF MR. ARDIS EDMUND McCANTS, FORMER LONGTIME EMPLOYEE OF THE BIRMINGHAM NEWS.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTIONS

Mr. Pearson offered the following Senate Resolutions, to-wit:

S. R. 38. COMMENDING MR. BENJAMIN D. MCGHEE, PROMINENT ALABAMA EDUCATOR.

Also:

S. R. 39. COMMENDING EDWARD D. JENKINS FOR HIS DEDICATED 40-YEAR CAREER IN THE JEFFERSON COUNTY AND BIRMINGHAM SCHOOL SYSTEMS.

Which were adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 28. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Hilliard	McDonald	Taylor
Barron	Holmes	Miller	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Goodwin	Lemaster	St. John	White
Gulledge	Little		

—25

Nays: —0

The Bill:

S. 25. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments for local improvements to property, so as to adjust interest rates with respect to the payment of said municipal improvement assessments, and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Smith
Bailey	Holmes	Miller	Taylor
Barron	Kirkland	Mitchem	Vacca
Gulledge	Lemaster	Parsons	Weeks
Harrison	Little	St. John	White

—19

Nays: —0

## The Bill:

S. 6. To further amend Section 41-9-3 of the Code of Alabama 1975, relating to the Alabama State Council on the Arts and Humanities, so as to bring the employees of such Council under the provisions of the Merit System.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

## Yeas:

Messrs.:	Higginbotham	Little	Smith	
Bailey	Hilliard	Martin	Taylor	
Callahan	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
deGraffenried	Kirkland	St. John	White	
Gulledge				—20

## Nays:

—0

## The Bill:

S. 41. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

## Yeas:

Messrs.:	Goodwin	Little	Smith	
Bailey	Hilliard	Martin	Taylor	
Barron	Holmes	Mitchem	Teague	
Britnell	Kirkland	Parsons	Vacca	
Cook	Lemaster	St. John	White	
deGraffenried				—20

## Nays:

—0

## The Bill:

S. 4. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

was taken up.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 30. COMMENDING THE COUNTRY MUSIC GROUP  
"ALABAMA".

McDOWELL LEE,  
Secretary.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

#### FURTHER CONSIDERATION OF S. B. 4

The Senate proceeded to further consideration of the Bill, S. B. 4.

#### MOTION TO ADJOURN LOST

At 5:15 P.M., Mr. Weeks moved that the Senate adjourn until Wednesday, August 12, 1981, which motion was lost.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 30. RELATIVE TO LEGISLATIVE MEETING DATES  
AUGUST 12, 1981, AND AUGUST 13, 1981.

Also:

H. J. R. 32. RELATING TO THE PRINTING OF THE JOURNALS.

Also:

H. J. R. 33. EXPRESSING APPRECIATION TO THE CLANTON,  
ALABAMA, JAYCEES.

Also:

H. J. R. 34. CONGRATULATING DR. THERON MONTGOMERY,  
PRESIDENT OF JACKSONVILLE STATE UNIVERSITY.

Also:

H. J. R. 35. COMMENDING MR. JAMES CUSIC HOLLIS ON HIS  
OUTSTANDING CAREER IN VOCATIONAL EDUCATION.

Also:

H. J. R. 36. CONGRATULATING THE INDEPENDENT ADVERTISER  
ON ITS RECENT AWARD.

Also:

H. J. R. 37. COMMENDING DEAN ROY DENNIS ROUSE OF AUBURN,  
ALABAMA.

Also:

H. J. R. 27. MOURNING THE DEATH OF MR. ARDIS EDMUND McCANTS, FORMER LONGTIME EMPLOYEE OF THE BIRMINGHAM NEWS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. B. 4

The Senate proceeded to further consideration of the Bill, S. B. 4.

#### POINT OF ORDER

Mr. Proctor raised the following Point of Order:

"Is S. B. 4 to be considered as a local bill since it applies only to Jefferson County and was duly advertised?"

The President and Presiding Officer of the Senate ruled that S. B. 4 is a local bill.

#### FURTHER CONSIDERATION OF S. B. 4

The Senate proceeded to further consideration of the Bill, S. B. 4.

Mr. Hilliard offered the following substitute for the Bill, S. B. 4, to-wit:

#### SUBSTITUTE FOR S. B. 4

##### A BILL TO BE ENTITLED AN ACT

To supplement the salaries of the circuit judges, circuit clerk and the deputy circuit clerk (Bessemer Division) of the tenth judicial circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the salaries paid to each of the circuit judges and to the circuit clerk and deputy circuit clerk of the Bessemer Division, of the tenth judicial circuit of the state, there shall be paid to each of said persons a supplemental salary in the sum equal to 40% of the salary paid each of said circuit judges by the State of Alabama. Said supplemental salary shall be paid out of the general fund of the county in equal installments at the same time and in the same manner that the salary of other county employees are paid.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



Mr. Cook moved that said substitute be laid on the table, which motion was lost.

Yeas 3; Nays 3; Abstaining 1.

*Yeas:* Messrs.: Cook, Vacca and White. —3

*Nays:* Messrs.: Hall, Hilliard and Pearson. —3

*Abstaining:* Mr. Parsons. —1

And said substitute was then adopted.

Yeas 4; Nays 3; Abstaining 1.

*Yeas:* Messrs.: Hall, Hilliard, Pearson and Proctor. —4

*Nays:* Messrs.: Cook, Vacca and White. —3

*Abstaining:* Mr. Parsons. —1

And said Bill, S. B. 4, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 8; Nays 0.

*Yeas:*

Messrs.:	Hilliard	Pearson	Vacca	
Cook	Parsons	Proctor	White	
Hall				—8

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

### BILLS ON THIRD READING RESUMED

The Bill:

S. 43. To amend section 3 of Act 81-700 to exempt leases of public lands belonging to the state in amounts not exceeding \$2,000 from advertising and appraisal.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Cook	Harrison	Miller	Teague	
deGraffenried	Higginbotham	Mitchem	Vacca	
Goodwin	Kirkland	St. John	Weeks	—19

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 21. To provide further for the design of tags of vehicles of disabled veterans.

Also:

By Rep. Ford:

H. 9. To authorize the administration of the Gadsden State Junior College to use any proceeds of bonds issued as authorized by Act No. 138, S. 1, Second Special Session 1978 (Acts 1978, p. 1875), for the purpose of payment or retirement of any outstanding legal indebtedness.

Also:

By Reps. McKee and Wyatt:

H. 26. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Also:

By Reps. Pegues, Cosby and Edwards:

H. 10. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 21, 26 and 10. To the Committee on Governmental Affairs.

H. B. 9. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 62. To require legislative approval for certain actions regarding state government; to provide further for the state merit system; to provide

further for the adoption of redefinitions of classifications of state employees; to prohibit actions resulting in declassification or reclassification or non-voluntary transfers between state agencies or other political subdivisions of the state without legislative action in the form of act or resolution; to provide further for state agencies, departments, bureaus, councils, boards, commissions or like governmental units, so as to require legislative action for any merger or abolition of same; and to provide that the provisions of this act shall become null and void on January 18, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 62. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, Kelley and Clark (G):

H. 1. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Willis:

H. 38. Relating to the legislative process in enacting certain appropriation acts; (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1982, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the state, for the payment of the public debt, and for education (to the extent that any such item is not

otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this act prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of this act prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in this act shall be construed as requiring the legislature to make any appropriation not otherwise required by the Constitution to be made, and (f) setting a termination date.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 38. To the Committee on Finance and Taxation.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 35. To propose an amendment to Amendment No. 161 to the Constitution of Alabama of 1901, to increase the number of trustees of Auburn University and to provide for their appointment.

was taken up.

On motion of Mr. Miller, further consideration of the Bill, S. B. 35, was postponed temporarily.

#### BILL RECONSIDERED

On motion of Mr. White, the Senate reconsidered the vote by which the Bill, S. B. 4, as amended, was passed.

On motion of Mr. White, the Senate reconsidered the vote by which the Bill, S. B. 4, was ordered to its third reading.

On motion of Mr. White, the Senate reconsidered the vote by which the substitute for the Bill, S. B. 4, was adopted.

On motion of Mr. White, said substitute was laid on the table.

And said Bill, S. B. 4, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 7; Nays 0.

*Yeas:*

Messrs.:	Hilliard	Pearson	Vacca	
Cook	Parsons	Proctor	White	—7

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

ADJOURNMENT

At 6:10 P.M., on motion of Mr. Pearson, in accordance with motion and Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, August 12, 1981, at 1 o'clock P.M.

## FIFTH LEGISLATIVE DAY

WEDNESDAY, AUGUST 12, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend John Dukes, Curate, Church of the Holy Comforter, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	
Glass			

—35

## JOURNAL

On motion of Mr. Teague, the reading of the Journal for yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

## RECESS

At 1:10 P. M., on motion of Mr. Teague, the Senate took a recess subject to the call of the Chair.

At 3:05 P. M., the recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, has acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 89. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

By Rep. Willis:

H. 38. Relating to the legislative process in enacting certain appropriation acts; (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1982, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the state, for the payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this act prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of this act prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in this act shall be construed as requiring the legislature to make any appropriation not otherwise required by the Constitution to be made, and (f) setting a termination date.

By Mr. Pearson:

S. 90. To amend Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to correct typographical errors and to add an appropriation for the Board of Polygraph Examiners.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the

following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cheatwood (with notice and proof):

H. 19. To alter or rearrange the boundary lines of the Town of Nectar, Blount County, Alabama, so as to include therein and within the corporate limits of said Town territory not already included therein.

By Rep. Smith (C) (with notice and proof):

H. 42. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Thorsby in Chilton County.

By Rep. Kelley (with notice and proof):

H. 45. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kelley and Rains (with notice and proof) (With Amendment):

H. 46. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Owens (with notice and proof):

H. 50. Relating to Tuscaloosa County; providing an additional expense allowance for the sheriff and an expiration date therefor; and providing further for the sheriff's compensation in the next term of office for sheriff.



By Reps. Ward, Turnham, Laird and Harper (O) (with notice and proof):

H. 91. Relating to the Cities of Lanett and Valley in Chambers County; authorizing said cities to contract for municipal services.

By Rep. Laird (with notice and proof):

H. 92. Relating to Randolph County; to further regulate probate court fees.

By Rep. Laird (with notice and proof):

H. 93. To authorize the Randolph County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Pegues, Cosby and Edwards:

H. 10. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses.

By Rep. Smith (J):

H. 21. To provide further for the design of tags of vehicles of disabled veterans.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton:

S. 1. To eliminate the permit application and fee for domestic and foreign corporations under sections 40-14-21 and 40-14-22 Code of Alabama, 1975 and to amend section 10-2A-282(a) (20) Code of Alabama, 1975 to increase the annual report fee from five to twenty-five dollars.

By Mr. deGraffenried:

S. 13. To repeal Sections 136 and 137 of the Alabama Business Corporation Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, p. 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, so as to eliminate the requirement of filing annual reports by certain domestic and foreign corporations with the Secretary of State.

By Messrs. White, Kirkland, Proctor, Barron, Goodwin, Higginbotham, Callahan, Cook and Parsons:

S. 11. To amend Section 12-15-1, Code of Alabama 1975, so as to remove felonies and violations of the conservation and natural resources

laws from the definition of a delinquent act when committed by one 16 years of age or older; to amend Section 12-15-30, Code of Alabama 1975, so as to grant jurisdiction to the juvenile court of those offenses transferred to it by other courts; to amend Section 12-15-33, Code of Alabama 1975, so as to provide for the transfer of a child to the juvenile court from the other courts unless the child has previously been convicted of a felony in the adult court or has been transferred to the adult court pursuant to the provisions of Section 12-15-34, Code of Alabama 1975; and, to amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 years of age or older may be transferred to the adult court for any crime, to provide that a finding of probable cause by the juvenile court in a transfer hearing held pursuant to this section shall preclude the necessity of a preliminary hearing in the adult court, and to further provide that the transfer of a child 14 years of age or older to the adult court shall terminate the jurisdiction of the juvenile court over such child.

By Mr. Gullledge:

S. 24. To amend Section 5-19-15 of the Code of Alabama 1975, relating to garnishment, so as to conform to the federal statute.

By Mr. Kirkland:

S. 45. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

By Mr. Parsons:

S. 71. To amend Section 20-2-80, Code of Alabama 1975, which relates to trafficking in certain illegal drugs, so as to include the drug methaqualone within the section.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Manley, Kelley and Clark (G) (With Substitute) (With Amendment):

H. 1. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. deGraffenried (with notice and proof):

S. 93. To amend Section 6 of Act No. 249, S. 291, of the 1947 Regular Session of the Legislature (Local Acts 1947, p. 174) relating to the civil service system for the City of Tuscaloosa so as to provide further for the compensation of the members of the civil service board for said city.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 93, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Britnell (with notice and proof):

S. 94. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 94, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Wyatt and McKee:

H. J. R. 38. MOURNING THE DEATH OF MISS CYNTHIA DARLENE MYERS OF MONTGOMERY, COUNTY, ALABAMA.

Also:

By Reps. Wyatt and McKee:

H. J. R. 39. MOURNING THE TRAGIC AND UNTIMELY DEATH OF ROBERT "BURGESS" PRUETT.

Also:

By Reps. Wyatt and McKee:

H. J. R. 40. MOURNING THE DEATH OF MR. EMORY WOMBLES OF RAMER, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolutions, H. J. R.'s 38, 39 and 40, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 19. EXPRESSING THE CONCERNS OF THE LEGISLATURE OVER THE RELEASE OF PRISONERS INTO SOCIETY.

On motion of Mr. Harrison, said Resolution was then concurred in and adopted by the Senate.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Polygraph Examiners Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 12th day of August, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Michael B. Sullivan (replacing Mr. John M. Cloud)  
4744 Rainbow Curve  
Montgomery, Alabama 36116

as a member of the Polygraph Examiners Board for the term expiring January 14, 1983.

Respectfully,

FOB JAMES,  
Governor.

Done this 12th day of August, 1981.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board, was read and referred to the Standing Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions,, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 6. COMMENDING MAYOR WILLIAM H. TUCK FOR HIS MORE THAN THREE DECADES OF SERVICE TO THE CITY OF EUTAW.

Also:

S. J. R. 7. COMMENDING ROGERS CUNNINGHAM BARNES ON HIS OUTSTANDING SERVICE AND RETIREMENT.

Also:

S. J. R. 8. COMMENDING MR. CLARENCE TURNIPSEED OF BREWTON, ALABAMA, PRESIDENT OF THE ALABAMA BANKERS ASSOCIATION.

Also:

S. J. R. 11. HONORING MR. JOHN S. WOOD UPON HIS RECENT RETIREMENT AS WASHINGTON COUNTY SUPERINTENDENT OF EDUCATION.

Also:

S. J. R. 12. COMMENDING MRS. MARY BOYKIN, NAMED "WOMAN OF THE YEAR" BY THE CENTRAL BALDWIN CHAMBER OF COMMERCE.

Also:

S. J. R. 13. COMMENDING MISS CINDY ST. JOHN OF FOLEY, ALABAMA, 1981 GIRLS STATE GOVERNOR.

Also:

S. J. R. 14. COMMENDING MR. WARD A. ROGNELSON UPON HIS RETIREMENT AS CITY CLERK FROM THE CITY OF CHILDERSBURG, ALABAMA.

Also:

S. J. R. 24. MOURNING THE DEATH OF MR. HARRY H. PRITCHETT, PROMINENT TUSCALOOSA BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 25. REQUESTING THAT PARKING SPACES IN THE WEST PORTION OF THE STATE PARKING LOT, BETWEEN PELHAM AND KING STREETS, BE RE-STRIPED IN A LOGICAL MANNER COMPATIBLE WITH THE ONE-WAY DIRECTION OF UNION STREET.

Also:

S. J. R. 31. MOURNING THE DEATH OF MR. H. J. HARRELL, PROMINENT ENTERPRISE INDUSTRIALIST.

Also:

S. J. R. 32. RECOGNIZING MR. CLAUDE M. ELROD FOR HIS CONTRIBUTIONS TO SNEAD STATE JUNIOR COLLEGE.

Also:

S. J. R. 33. COMMENDING MR. BENJAMIN D. MCGHEE, PROMINENT ALABAMA EDUCATOR.

Also:

S. J. R. 34. COMMENDING EDWARD D. JENKINS FOR HIS DEDICATED 40-YEAR CAREER IN THE JEFFERSON COUNTY AND BIRMINGHAM SCHOOL SYSTEMS.

Also:

S. J. R. 36. COMMENDING THE DADEVILLE HIGH SCHOOL TIGERS FOR OUTSTANDING ACHIEVEMENT IN SPORTS.

McDOWELL LEE,  
Secretary.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 40. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the first Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 77	32	Educational approp.
H. B. 78	30	Teachers' retri. system
S. B. 18	15	Workmen's comp., co-emp. legal action prohib. c/a
S. B. 42	12	Wildlife Heritage Committee, created
S. B. 81	27	Revenue Dept., interest on taxes, not to be deposited to General Fund
S. B. 26	6	Trusts, support of relatives
S. B. 40	2	Empl's., longevity pay
S. B. 39	24	Liquefied petroleum gas, use in Mtr. Veh.
S. B. 5	7	Cullman, burned out school, approp.
S. B. 15	5	Money Judgements, int. rate
S. B. 80	22	Constables, auth. to hire deputies
S. B. 21	12	Paint, Labeling, inspection fees
S. B. 76	13	Poore and Disadvantaged, services
S. B. 10	9	Zoning Ordinances, proc. for adopt.

Mr. Callahan offered the following amendment to the Resolution, S. R. 40, to-wit:

AMENDMENT TO S. R. 40

Amend S. R. 40 after H. B. 77 Page 32 insert

"S. B. 17", page 31

On motion of Mr. McDonald, said amendment was laid on the table.

Yeas 21; Nays 6.

*Yeas:*

Messrs.:	Goodwin	Martin	Robertson
Bailey	Hall	McDonald	St. John
Britnell	Harrison	Mitchem	Smith
deGraffenried	Higginbotham	Parsons	Taylor
Denton	Hilliard	Pearson	Teague
Figures	Holmes		

—21

*Nays:*

Messrs.:	Callahan	Little	White
Barron	Kirkland	Miller	

—6

Mr. Kirkland offered the following amendment to the Resolution, S. R. 40, to-wit:

AMENDMENT TO S. R. 40

Amend S. R. 40 Page 1 after S. B. 10, p. 9 the following

S. B. 62 p, 7

Which was adopted.

Mr. White offered the following substitute for the Resolution, S. R. 40, as amended, to-wit:

SUBSTITUTE FOR S. R. 40, AS AMENDED

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the first Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 77	32	Educational approp.
H. B. 78	30	Teachers' retr. system
H. B. 79	16	Remove mandatory requirement, Drivers Ed.
S. B. 18	15	Workmen's comp., co-emp. legal action prohib. c/a
S. B. 42	12	Wildlife Heritage Committee, created

S. B. 81	27	Revenue Dept., interest on taxes, not to be deposited to General Fund
S. B. 26	6	Trusts, support of relatives
S. B. 40	2	Empl's., longevity pay
S. B. 39	24	Liquefied petroleum gas, use in Mtr. Veh.
S. B. 5	7	Cullman, burned out school, approp.
S. B. 15	5	Money Judgements, int. rate
S. B. 80	22	Constables, auth. to hire deputies
S. B. 21	12	Paint, Labeling, inspection fees
S. B. 76	13	Poor and Disadvantaged, services
S. B. 10	9	Zoning Ordinances, proc. for adopt.
S. B. 62	7	

On motion of Mr. Vacca, said substitute was laid on the table.

Yeas 18; Nays 7.

*Yeas:*

Messrs.:	Harrison	McDonald	St. John
Britnell	Hilliard	Parsons	Smith
deGraffenried	Holmes	Pearson	Teague
Denton	Lemaster	Proctor	Vacca
Hall	Martin	Robertson	
			—18

*Nays:*

Messrs.:	Callahan	Little	Taylor
Barron	Goodwin	Miller	White
			—7

Mr. Callahan offered the following amendment to the Resolution, S. R. 40, as amended, to-wit:

#### AMENDMENT TO S. R. 40, AS AMENDED

Amend S. R. 40 by inserting after S. B. 18 Page 15

"S. B. 17" "Page 31"

On motion of Mr. McDonald, said amendment was laid on the table.

Yeas 17; Nays 8.

*Yeas:*

Messrs.:	Harrison	Mitchem	St. John
Britnell	Higginbotham	Parsons	Smith
deGraffenried	Lemaster	Proctor	Taylor
Denton	Martin	Robertson	Teague
Goodwin	McDonald		
			—17



*Nays:*

Messrs.: Barron Callahan	Hall Holmes	Kirkland Little	Miller White	—8
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Mr. Parsons offered the following substitute for the Resolution, S. R. 40, as amended, to-wit:

**SUBSTITUTE FOR S. R. 40, AS AMENDED**

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the first Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 77	32	Educational approp.
H. B. 78	30	Teachers' retr. system
S. B. 18	15	Workmen's comp., co-emp. legal action prohib. c/a
S. B. 42	12	Wildlife Heritage Committee, created
S. B. 81	27	Revenue Dept., interest on taxes, not to be deposited to General Fund
S. B. 26	6	Trusts, support of relatives
S. B. 40	2	Empl's., longevity pay
S. B. 39	24	Liquefied petroleum gas, use in Mtr. Veh.
S. B. 5	7	Cullman, burned out school, approp.
S. B. 15	5	Money Judgements, int. rate
S. B. 80	22	Constables, auth. to hire deputies
S. B. 21	12	Paint, Labeling, inspection fees
S. B. 76	13	Poor and Disadvantaged, services
S. B. 10	9	Zoning Ordinances, proc. for adopt.
S. B. 62	7	
S. B. 8	5	Relating to District Attorneys Insurance

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 20; Nays 7; Abstaining 1.

*Yeas:*

Messrs.: Britnell deGraffenried Denton Goodwin Gulledge	Harrison Higginbotham Holmes Little Martin	McDonald Mitchem Pearson Proctor Robertson	St. John Smith Taylor Teague Vacca	—20
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*Nays:*

Messrs.:	Barron	Hilliard	Parsons	
Bailey	Hall	Lemaster	White	—7

<i>Abstaining:</i> Mr. Kirkland.	—1
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Mr. White offered the following substitute for the Resolution, S. R. 40, as amended, to-wit:

#### SUBSTITUTE FOR S. R. 40, AS AMENDED

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the first Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 77	32	Educational approp.
H. B. 78	80	Teachers' retri. system
S. B. 18	15	Workmen's comp., co-emp. legal action prohib. c/a
H. B. 79	16	Drivers Ed.
S. B. 42	12	Wildlife Heritage Committee, created
S. B. 8	5	DA's Ins
S. B. 81	27	Revenue Dept., interest on taxes, not to be deposited to General Fund
S. B. 26	6	Trusts, support of relatives
S. B. 40	2	Empl's., longevity pay
S. B. 39	24	Liquefied petroleum gas, use in Mtr. Veh.
S. B. 5	7	Cullman, burned out school, approp.
S. B. 15	5	Money Judgements, int. rate
S. B. 80	22	Constables, auth. to hire deputies
S. B. 21	12	Paint, Labeling, inspection fees
S. B. 76	13	Poor and Disadvantaged, services
S. B. 10	9	Zonging Ordinances, proc. for adopt.
S. B. 62	7	

On motion of Mr. McDonald, said substitute was laid on the table.

And on motion of Mr. McDonald, said Resolution, S. R. 40, as amended, was then adopted by the Senate.

Messrs. Robertson, Kirkland, Harrison and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE FEDERAL CONSTITUTION REQUIRING UNITED STATES SUPREME COURT JUSTICES AND ALL FEDERAL JUDGES TO BE ELECTED.

WHEREAS, there is a great need for a government of laws and not of men in this country; and

WHEREAS, many federal justices and judges have strayed in their rulings from strictly interpreting the Constitution of the United States as it was intended, passed and ratified; and

WHEREAS, such straying from the intent of the Constitution is in effect judicial legislation by means of judicial extrapolation; and

WHEREAS, members of the federal judiciary have been able to follow this course of action because they are not answerable to the people because they are appointed for lifetime tenure; and

WHEREAS, this country was founded in order to escape the awesome power of lifetime appointments from non-elected rulers and royalty; and

WHEREAS, the federal judiciary is the last remaining vestige of such awesome, lifetime political patronage in this country; and

WHEREAS, the public has always been under the impression that federal judges aided and abetted criminals and criminal activity in America by giving the criminals more rights than the victims; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of Alabama hereby petitions the Congress of the United States to convene a convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment which would prohibit lifetime appointments of federal supreme court justices and all other federal judges and require that they be elected and re-elected every six years by the people.

BE IT RESOLVED FURTHER, That the legislature of each of our sister states is urged to give the most serious consideration to the problems arising from lifetime judicial appointments, and to petition the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment which would prohibit lifetime appointments of federal supreme court justices and all other federal judges and require that they be elected and re-elected every six years by the people.

BE IT RESOLVED FURTHER, That the Secretary of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, to each member of Congress, both Senate and House, and to the executive authority of each of our sister states for transmittal to its legislature.

Which was read and referred to the Standing Committee on Rules.

#### NOTICE IN WRITING

Mr. Holmes offered the following Notice in Writing, to-wit:

## NOTICE IN WRITING

By Mr. Holmes:

On the next legislative day the following additional Joint Rule of the two houses will be introduced:

Rule No. 24: On the 20th legislative day of each regular session both the General Fund Appropriations Bill and the Education Appropriations Bill shall be the first and only order of business and the continuing order of business on each legislative day thereafter until such appropriations bills have been passed by both houses unless either the Senate or House votes by a 3/5 majority to suspend this rule.

Which was read and ordered spread upon the Journal.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 5. PROCLAIMING THE DATES OF SEPTEMBER 4 THROUGH SEPTEMBER 7, 1981 AS S.O.B.E.R. DAYS IN ALABAMA.

Also:

S. J. R. 16. MOURNING THE DEATH OF COLONEL B. CONN ANDERSON OF AUBURN, ALABAMA.

Also:

S. J. R. 17. HONORING MR. MILLARD DAWSON UPON HIS RETIREMENT AS CAMPUS SECURITY CHIEF, AUBURN UNIVERSITY.

Also:

S. J. R. 18. COMMENDING DR. THOMAS BENJAMIN HAGLER UPON HIS RETIREMENT AS HEAD OF EXTENSION HORTICULTURE, AUBURN, ALABAMA.

Also:

S. J. R. 23. HONORING DR. CARL BASCOMB GIBSON UPON HIS RETIREMENT FROM CHIROPRACTIC PRACTICE.

Also:

S. J. R. 26. NAMING THE NEW BRIDGE ON STATE HIGHWAY 17 WHICH SPANS THE TOMBIGBEE RIVER APPROXIMATELY FIVE MILES SOUTHWEST OF ALICEVILLE, PICKENS COUNTY, ALABAMA, "THE HUYCK BRIDGE."

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTION

Mr. Teague offered the following Senate Resolution, to-wit:

S. R. 42. REQUESTING AN ADVISORY OPINION OF THE SUPREME COURT RELATIVE TO H. B. 38 OF THE 1981 FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional question which has arisen concerning the pending H. B. 38, which bill was introduced to propose a constitutional amendment to provide for the budgetary process, making appropriations and time frame therefor and substituted with a bill making such budgetary process and appropriations and time frame therefor statutory, copies of which are attached hereto and made a part hereof by reference:

1. Does the House substitution providing for the budgetary process, the making of appropriations and time frame therefor by statute to pending House Bill 38 which proposed a constitutional amendment for the budgetary process, the making of appropriations and time frame therefor violate the provisions of Section 61 of the Constitution of 1901, which provides:

"No law shall be passed by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose."?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending H. B. 38, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 6. Relating to Henry County, Alabama, only; to provide for compensation for the members of the Board of Registrars of Henry County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Proctor
Bailey	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Smith
Cook	Hilliard	Mitchem	Taylor
Denton	Holmes	Parsons	Teague
Figures	Keener	Pearson	Weeks
Glass	Little		

—25

Nays:

—0

The Bill:

H. 7. Relating to Henry County; providing further for the expense allowance of the members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	Martin	St. John
Britnell	Hall	Miller	Smith
Cook	Harrison	Mitchem	Taylor
Denton	Hilliard	Parsons	Teague
Figures	Holmes	Pearson	Weeks
Glass	Keener		

—25

*Nays:*

—0

The Bill:

H. 14. To amend Act No. 81-229, 1981 Regular Session, entitled, "Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations," so as to provide further for the fees and disbursement thereof on private enterprises which make a profit burying or storing hazardous waste.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Hilliard	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	St. John	White
Figures	Martin		

—25

*Nays:*

—0

The Bill:

H. 15. Relating to Choctaw County; to provide an additional expense allowance for members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Little		

—25

*Nays:*

—0

The Bill:

H. 35. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to provide for the expiration of those taxes levied and imposed under authority of Act No. 81-553 which is to be repealed concurrently with the effective date of any levy of taxes authorized in this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Higginbotham	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	St. John	White
Figures	McDonald		
			—25

*Nays:* —0

The Bill:

H. 56. To authorize the Covington County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to provide certain exceptions thereto.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Proctor	Weeks
Figures	Lemaster	St. John	White
Glass	Little		
			—25

*Nays:* —0

The Bill:

H. 66. To authorize the Elmore County Commission to provide protection against forest fires within the county and to assess the whole or a part of

the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Proctor	
Bailey	Goodwin	Martin	St. John	
Barron	Gulledge	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Cook	Hilliard	Parsons	Weeks	
Denton	Holmes	Pearson	White	
Figures	Keener			—25

*Nays:* —0

The Bill:

H. 73. Relating to law enforcement in Autauga County; to amend Act No. 871, H. 1200 of the Regular Session, 1969 (Acts 1969, p. 1580) as heretofore amended, an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Proctor	
Bailey	Hall	McDonald	St. John	
Barron	Hilliard	Miller	Taylor	
Britnell	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
Denton	Lemaster	Pearson	White	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 74. Relating to Lowndes County; amending Section 1 of Act No. 80-319, S. 543 of the 1980 Regular Session (Acts 1980, p. 439), relating to clerical assistants for the tax assessor and tax collector of such county, so as to further provide that the Lowndes County Commission may appoint for each such official one additional full-time assistant and set the compensation payable for all clerical assistants to such officials, and making the provisions retroactive.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	Denton	Goodwin
Bailey	Callahan	Figures	Hall
Barron	Cook	Glass	Hilliard



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Holmes	Miller	Proctor	Vacca	
Keener	Mitchem	St. John	Weeks	
Little	Parsons	Taylor	White	
Martin	Pearson			—25

*Nays:* —0

The Bill:

H. 11. Relating to DeKalb County; to provide further for the pay of each deputy sheriff who is engaged in hazardous duties.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Cook	Hilliard	Pearson	Vacca	
Denton	Holmes	Proctor	Weeks	
Figures	Keener	St. John	White	
Glass	Lemaster			—25

*Nays:* —0

The Bill:

H. 12. Relating to the City of Fort Payne, DeKalb County, Alabama; providing further for additional compensation for certain enforcement of state laws to certain municipal police officers for hazardous duty pay; excluding certain police officers who perform administrative or ministerial functions; providing that such compensation be paid from the municipality in the same manner as other compensation is paid to police officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 39. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	St. John	
Bailey	Goodwin	Little	Smith	
Barron	Hall	Miller	Taylor	
Britnell	Harrison	Parsons	Vacca	
Cook	Hilliard	Pearson	Weeks	
Denton	Holmes	Proctor	White	
Figures	Keener			—25

*Nays:* —0

## SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 77, to-wit:

## COMMITTEE AMENDMENT NO. 1 TO H. B. 77

Further amend House Bill 77 by striking the section 3-A-2 in its entirety and by inserting in lieu thereof the following Section 3-A-2:

"2. Arts and Humanities, Council  
on the

(a) Fine Arts Program .....	1,006,000
(b) Alabama Symphony .....	250,000
(c) Alabama Shakespeare Festival .....	50,000
(d) Brown Arts Council .....	7,500
(e) Heritage Band .....	10,000
(f) Jefferson County Committee for Economic Opportunity, Inc. ...	25,000
(g) Alabama Outdoor Drama ....	10,000

## SOURCE OF FUNDS:

(1) ASETF .....	608,500		
(2) Federal & Local Funds .....		<u>750,000</u>	
Total Council on the Arts and Humanities .....	<u>608,500</u>	<u>750,000</u>	<u>1,358,500"</u>

Amend House Bill 77 by striking Section 3-A-5 subsection (a) and by inserting in lieu thereof the following subsection (a):

(a) Instructional Technical Assistance Program .....	7,643,324
--	-----------

The proposed spending plan for the  
above is as follows:

Career Education ..... 98,000  
 Vocational Education ... 651,000  
 Special Education Admin-  
 istration ..... 450,000  
 Kindergarten Admin .... 100,000

SOURCE OF FUNDS:

(1) ASETF .....	1,299,000		
(2) Federal & Local Funds .....		6,344,324	
Total Instructional Technical As- sistance Program .....	1,299,000	6,344,324	7,643,324

Further amend said bill on page 11 by striking lines 12-16 in their entirety and by inserting in lieu thereof the following:

SOURCE OF FUNDS:

(1) ASETF .....	28,220,500		
(2) Federal and Local Funds ....		57,668,633	
GRAND TOTAL DEPARTMENT OF EDUCATION .....	28,220,500	57,668,633	85,889,133

Further amend House Bill 77 on page 13 after line 35 by inserting the following:

"In addition to the above appropriation for the Commission on Higher Education there is hereby appropriated \$250,000 to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor."

Further amend House Bill 77, page 33 by inserting the following Section 4-A subsection 3.

"3. Opportunities Industrializa-  
tion Center

(a) Skills Enhancement and Em- ployment Opportunities Pro- gram .....	100,000
---	---------

SOURCE OF FUNDS:

(1) ASETF .....	100,000		
Total Opportunities Industrializa- tion Centers .....	100,000	100,000"	

Further Amend House Bill 77 by striking Section 3-A subsection 13 in its entirety.

Amend House Bill 77, Section 3-A-13 in its entirety and by inserting in lieu thereof the following Section 3-A-13.

"13. Industrial Development  
Training Institute, Alabama:

(a) Industrial Training Program	1,360,000
---------------------------------	-----------

## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,360,000</u>	
Total Alabama Industrial Development Training Institute. ....	<u>1,360,000</u>	<u>1,360,000</u>

Amend House Bill 77 in Section 3-21 on page 17, lines 21 and 27 by deleting the figure "462,945,868" and inserting in lieu thereof the figure "459,855,199".

Further amend House Bill 77 on page 17, lines 23 and 27 by deleting the figure "432,269,383" and inserting in lieu thereof the figure "428,678,714".

Further amend House Bill 77 on page 17, lines 24 and 27 by striking "26,000,000" and "30,676,485" and inserting in lieu thereof "26,500,000" and "31,176,485" respectively.

Further amend House Bill 77 on page 18, lines 26 and 27 by deleting them in their entirety and inserting in lieu thereof the following: "For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$58,064,075. In addition, there is hereby appropriated \$6,000,000 for "Other Current Expenses", for teacher units funded under the Minimum Program and teacher units funded under Section 3-22 (h), (i), (j), (k), and (m) of this Act to be released by the Governor upon the availability of funds."

Further amend House Bill 77 in Section 3-22 on page 19, lines 4, 6 and 7 by deleting the figure "243,557,167" and inserting in lieu thereof the figure "248,647,659".

Further amend House Bill 77 on page 19, line 13 by deleting the figure "14,878,968" and inserting in lieu thereof the figure "20,878,968".

Further amend House Bill 77 on page 19, lines 17, 18, 19 and 24 by deleting "two hundred forty-seven dollars and twenty cents (\$247.20)" and inserting in lieu thereof "three hundred forty-six dollars and eighty-eight cents (\$346.88)".

Further amend House Bill 77 on page 19, lines 26-35 and on page 20, lines 3-5 by deleting them in their entirety and inserting in lieu thereof the following: "In addition, there is hereby appropriated \$8,500,000 for Hospital Medical Insurance Assistance for professional staff, Support Staff, and Adult School Bus Drivers to be released by the Governor upon the availability of funds."

Further amend House Bill 77 on page 21, line 8 by striking "250,000" and inserting in lieu thereof "350,000".

Further amend House Bill 77 on page 22, line 19 by deleting the figure "18,785,641" and inserting in lieu thereof the figure "18,645,457".

Further amend House Bill 77 on page 23, lines 8 and 9 by deleting the figures "\$2,568.34" and "\$2,773,807" and inserting in lieu thereof the figures "\$2,438.54" and "\$2,633,623" respectively.

Further amend House Bill 77 on page 23, line 13 by deleting the figure "29,620,453" and inserting in lieu thereof the figure "29,399,404".

Further amend House Bill 77 on page 24, lines 8 and 9 by deleting the figures "\$2,568.34" and "\$4,373,883" and inserting in lieu thereof the figures "\$2,438.54" and "\$4,152,834" respectively.

Further amend House Bill 77 on page 24, line 14 by deleting the figure "11,306,451" and inserting in lieu thereof the figure "11,222,081".

Further amend House Bill 77 on page 24, lines 28 and 29 by deleting the figures "\$2,568.34" and "\$1,669,421" and inserting in lieu thereof the figures "\$2,438.54" and "\$1,585,051" respectively.

Further amend House Bill 77 on page 25, line 3 by deleting the figure "57,325,135" and inserting in lieu thereof the figure "56,903,285".

Further amend House Bill 77 on page 25, lines 17 and 18 by deleting the figures "\$2,568.34" and "\$8,347,105" and inserting in lieu thereof the figures "\$2,438.54" and "\$7,925,255" respectively.

Further amend House Bill 77 on page 26, line 3 by deleting the figure "5,800,551" and inserting in lieu thereof the figure "5,758,496".

Further amend House Bill 77 on page 26, lines 20 and 21 by deleting the figures "\$2,568.34" and "\$832,142" and inserting in lieu thereof the figures "\$2,438.54" and "\$790,087" respectively.

Further amend House Bill 77 in Section 3-21 on page 22, line 13 by deleting the figure "\$145,000" and inserting in lieu thereof the figure "\$250,000".

Further amend House Bill 77 on page 28, lines 4, 10, and 11 by striking the figure "100,000" and inserting in lieu thereof "112,000".

Further amend House Bill 77 on page 31, line 16 by inserting the following:

"Of this appropriation, the following amounts are to be expended for the following: \$54,400 for University of Montevallo; \$54,400 for Alabama A & M University; \$79,500 for the Birmingham City Board of Education; \$62,775 for the Huntsville City Board of Education."

Further amend House Bill 77 by inserting on page 32, line 18 the following:

"In addition to the above appropriation, there is also hereby appropriated the sum of \$300,000, to be conditioned upon the availability of funds and the approval of the Governor."

Further amend House bill 77, page 33 by inserting on line 13 the following:

"In addition to the above appropriation, there is also hereby appropriated the sum of \$12,250, conditional upon the availability of funds and the approval of the Governor."

Further amend H. B. 77 Section 4.B. page 35, line 6 by striking the figures "2,430,087" and "4,630,320" and inserting in lieu thereof the following:

"2,230,087" and "4,430,320" respectively.

Further amend H. B. 77 on page 35, line 7 by striking the figures "2,059,141" and "2,507,732" and inserting in lieu thereof the following:

"1,859,141" and "2,307,732" respectively.

Further amend on page 35, line 11 by striking the figure "3,437,581" and "6,107,767" and inserting in lieu thereof the following: "3,237,581" and "5,907,767" respectively.

Further amend on page 35, line 16 by striking the figures "16,124,859" and "67,712,857" and inserting in lieu thereof the following: "16,724,859" and "68,312,857" respectively.

Further amend House Bill 77 on page 36, line 15 by striking "190,000" and inserting in lieu thereof "290,000" and after line 27 by inserting the following:

"28. Diabetic Institute .....	200,000	200,000"
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Further amend House Bill 77 on page 36, line 21 by striking "64,975,600" and inserting in lieu thereof "65,275,600".

Further amend House Bill 77 on page 36 by striking line 26 and inserting in lieu thereof the following:

"in Birmingham .....	65,275,600	213,614,897	278,890,497
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Further amend House Bill 77 in Section 5-XII on page 43 after line 17 by inserting the following line.

"C. Hospital-Medical Insurance for Employees of the Alabama Institute for Deaf and Blind ...	228,000	228,000
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Further amend House Bill 77 on page 43, lines 19 and 22 by deleting the figure "7,172,840" and inserting in lieu thereof the figure "7,400,840".

Further amend House Bill 77 on page 43, line 22 by deleting the figure "19,212,817" and inserting in lieu thereof the figure "19,440,817".

Further amend House Bill 77 on page 44, after line 12 by inserting the following:

Trenholm State Technical College For Emergency Medical Services Program .....	100,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>
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Total Trenholm State Technical College for Emergency Medical Services Program .....	<u>100,000</u>	<u>100,000"</u>
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Further amend House Bill 77 on page 44 after line 12 by adding the following:

#### "Section 6A - Conditional Appropriations

(1) University of Alabama .....	928,600
(2) University of Alabama/ Birmingham .....	1,256,900
(3) University of Alabama/ Birmingham	
A. School of Engineering .....	125,000
B. School of Business .....	125,000

(The above appropriation to the Schools of Engineering and Business is conditioned upon the receipts of matching funds from the private sector as well as the condition of the fund and approval of the Governor.)

(4) University of Alabama/ Huntsville .....	393,000
(5) University of Alabama/ Huntsville Johnson Environ- mental and Energy Center ....	25,000
(6) Alabama A & M University .	335,800
(7) Alabama A & M University - Cooperative Extension & Re- search .....	200,000
(8) Alabama State University ...	116,900
(9) Athens State College .....	31,000
(10) Auburn University .....	603,610
(11) Auburn University-Ralph Draughon Library .....	100,000
(12) Agriculture Experiment Station-Auburn University ....	416,200
(13) Cooperative Extension Service-Auburn University ....	300,000
(14) Auburn University at Montgomery .....	93,800
(15) Jacksonville State University	170,000
(16) Jacksonville State University - United Cerebral Palsy Devel- opment Center for East Central Alabama .....	5,000
(17) Livingston State University	54,600
(18) University of Montevallo ...	216,000
(19) University of North Alabama	136,300
(20) University of South Alabama	357,532
(21) Troy State University .....	115,100
(22) Troy State University - Branch Campus at Phenix City	9,500"

(The above appropriations in Section 6A are to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor.)

Further amend House Bill 77 in Section 7 B, on page 44, lines 30 and 31 by striking "twenty-six million dollars (\$26,000,000)" and inserting in lieu thereof "twenty-six million five hundred thousand dollars (\$26,500,000)".

Further amend Senate Bill 77 on page 34, by inserting on line 31 the following:

"16. Law School Clinical Educa- tion .....	120,000	120,000"
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and further amend said bill by striking the figure "\$43,026,400" on lines 32 and 34 respectively and by inserting in lieu thereof the following figures "43,146,400"; and by striking the figure "102,291,037" on line 34 and insert in lieu thereof the figure "102,411,037".

Further amend House Bill 77 on page 16, lines 5, 7, and 8 respectively by striking the figure "211,000" and by inserting in lieu thereof the figure "230,000".

Further amend House Bill 77 in Section 3-A-2 by inserting the following:

"In addition to the above appropriation, there is hereby appropriated \$50,000 for the Council on Arts and Humanities to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor."

On motion of Mr. Pearson, said amendment was laid on the table.

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 77, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO H. B. 77

Amend House Bill 77 Page 15, Line 32, by striking out the number  
"\$270,000"

after the words

"the sum of" on line 31 and inserting in lieu thereof the number  
"\$300,000"

Also amend House Bill 77, Page 29, Line 23 by striking out the number  
"\$270,000"

after the words "the sum of" and inserting in lieu thereof the number  
"\$300,000"

Which was adopted.

Yeas 28; Nays 1.

Yeas:

Messrs.:	deGraffenried	Holmes	McDonald
Bailey	Denton	Kirkland	Miller
Barron	Glass	Lemaster	Mitchem
Britnell	Gulledge	Little	Parsons
Cook	Higginbotham	Martin	Pearson



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Proctor Robertson St. John	Smith Taylor	Teague Vacca	Weeks White	—28
Nay: Mr. Hall.				—1

Mr. Pearson offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

AMENDMENT TO H. B. 77, AS AMENDED

Further amend House Bill 77 by striking the section 3-A-2 in its entirety and by inserting in lieu thereof the following Section 3-A-2:

“2. Arts and Humanities, Council  
on the

(a) Fine Arts Program .....	1,006,000
(b) Alabama Symphony .....	250,000
(c) Alabama Shakespeare Festival	50,000
(d) Brown Arts Council .....	7,500
(e) Heritage Band .....	10,000
(f) Jefferson County Committee for Economic Opportunity, Inc. ....	25,000
(g) Alabama Outdoor Drama ....	10,000

SOURCE OF FUNDS:

(1) ASETF .....	608,500		
(2) Federal & Local Funds .....		750,000	
Total Council on the Arts and Humanities .....	608,500	750,000	1,358,500

In addition to the above appropriation, there is hereby appropriated \$50,000 for the Council on Arts and Humanities to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.”

Amend House Bill 77 by striking Section 3-A-5 subsection (a) and by inserting in lieu thereof the following subsection (a):

(a) Instructional Technical Assis- tance Program .....	7,643,324
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The proposed spending plan for the  
above is as follows:

Career Education .....	98,000
Vocational Education ...	651,000
Special Education Admin- istration .....	450,000
Kindergarten Admin ....	100,000

SOURCE OF FUNDS:

(1) ASETF .....	1,299,000		
(2) Federal & Local Funds .....		6,344,324	

Total Instructional Technical As-			
sistance Program .....	<u>1,299,000</u>	<u>6,344,324</u>	<u>7,643,324</u>

Further amend said bill on page 11 by striking lines 12-16 in their entirety and by inserting in lieu thereof the following:

**SOURCE OF FUNDS:**

(1) ASETF .....	28,220,500	
(2) Federal and Local Funds ....		<u>57,668,633</u>

GRAND TOTAL DEPARTMENT OF EDUCATION .....	<u>28,220,500</u>	<u>57,668,633</u>	<u>85,889,133</u>
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Further amend House Bill 77 on page 13 after line 35 by inserting the following:

"In addition to the above appropriation for the Commission on Higher Education there is hereby appropriated \$250,000 to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor."

Further amend House Bill 77 page 33, after line 20 by inserting the following Section 4-A sub-section 3.

**"3. Opportunities Industrializa-**  
**tion Centers**

(a) Skills Enhancement and Em-	
ployment Opportunities Pro-	
gram .....	100,000

**SOURCE OF FUNDS:**

(1) ASETF .....	<u>100,000</u>
-----------------	----------------

Total Opportunities Industrializa-		
tion Centers .....	<u>100,000</u>	<u>100,000"</u>

Further Amend House Bill 77 by striking Section 3-A subsection 13 in its entirety, and renumbering the subsequent sub-sections.

Further amend House Bill 77, Section 3-A-14 (which is entitled "Industrial Development Training Institute, Alabama") in its entirety and by inserting in lieu thereof the following Section 3-A-14.

**"14. Industrial Development**  
**Training Institute, Alabama:**

(a) Industrial Training Program	1,360,000
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**SOURCE OF FUNDS:**

(1) ASETF .....	<u>1,360,000</u>
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Total Alabama Industrial Devel-		
opment Training Institute ....	<u>1,360,000</u>	<u>1,360,000</u>

Further amend House Bill 77 on pages 17 and 18 by striking the section 3-A subsection 21 (entitled "Minimum Program and Public School Fund:") in its entirety and by inserting in lieu thereof the following section 3-A subsection 21, as follows:

"21. Minimum Program and Public School Fund:

(a) Financial Assistance Program 459,855,199

SOURCE OF FUNDS:

(1) ASETF .....	428,678,714		
(2) Public School Fund .....		26,500,000	
(3) Local Funds .....		<u>4,676,485</u>	
Total Minimum Program and Public School Fund .....	<u>428,678,714</u>	<u>31,176,485</u>	<u>459,855,199</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,298
II	13,392	8,767.21	117,410,476
III	11,276	0	0
IV	9,792	0	0
TOTALS		<u>23,811.00</u>	<u>\$351,436,689</u>

For "Other Current Expenses" an amount shall not exceed \$2,438,54 for each earned teacher unit but the total shall not exceed the sum of \$58,064,075. In addition, there is hereby appropriated \$6,000,000 for "Other Current Expenses", for teacher units funded under the Minimum Program and teacher units funded under the section entitled "Board of Education" which is Section 3-22 (h), (i), (j), (k), and (m), of this Act to be released conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,544,620.

For "Principal Supplement" an amount not to exceed the total of \$2,381,100.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715."

Further amend House Bill 77 by striking the Section 3-A subsection 22 (entitled "Board of Education") in its entirety and insert in lieu thereof the following Section 3-A subsection 22 as follows:

"22. Board of Education

(a) Financial Assistance Program	248,647,659
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SOURCE OF FUNDS:

(1) ASETF .....	<u>248,647,659</u>
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Total Board of Education .....	<u>248,647,659</u>	<u>248,647,659</u>
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(a) To be distributed by State  
Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers .....	20,878,968
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Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred forty-six dollars and eighty-eight cents (\$346.88) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$346.88 shall be appropriated per person.

In addition, there is hereby appropriated \$8,500,000 for Hospital Medical Insurance Assistance for teachers, administrative supervisory units, full-time support employees, and adult school bus drivers, to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

(b) Teachers Sick Leave 3,723,744

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave .....	1,564,483
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The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers      Personnel Leave .....	925,598
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The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds      to      Replace Fees .....	9,500,000
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Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III, and Title IV teachers and ESAA teachers).

(f) Maintenance . . . . . 5,630,287

(g) Continuation of funds previously granted for Special Education . . . . . 25,048,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education. Of the \$24,048,991 for Special Education \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vimian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children; and \$250,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142.

(h) Kindergarten teacher units . . . . . 18,645,457

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$ 1,872,792
I	15,382	569	8,752,358
II	13,392	397	5,316,624
TOTALS		1080	\$15,941,774

For "Other Current Expenses" and amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$2,633,623.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher units . . . . . 29,399,404

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units

in the Minimum Program, Kindergarten units in (h), and additional units in (k). The above appropriation is for 1703 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
TOTALS		1703	\$25,136,096

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$4,152,834.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$110,474.

(j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 11,222,081

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	342	5,260,644
II	13,392	239	3,200,688
TOTALS		650	\$9,594,864

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$1,585,057.

For "Capital Improvements" an amount not to exceed the sum of \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education 56,903,285

The above appropriation is for 3250 teacher units and includes salaries, other current expenses, and capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1711	26,318,602
II	13,392	1197	16,030,224
TOTALS		3250	\$47,967,202

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$7,925,255.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(1) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education . 5,758,496

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$4,947,391. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	50	\$ 821,400
I	15,382	225	3,460,950
II	13,392	49	665,041
TOTALS		324	\$4,947,391

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$790,087.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

(n) Salary increase for lunchroom  
workers formerly  
granted ..... 6,129,600"

Further amend House Bill 77 on page 28, lines 4, 10, and 11 in the Subsection entitled "Physical Fitness, Commission of" by striking the figure "100,000" and inserting in lieu thereof "112,000".

Further amend House Bill 77 on page 31, line 16 in the Subsection entitled "Television Commission, Educational" by inserting the following:

"Of this appropriation, the following amounts are to be expended for the following: \$54,400 for University of Montevallo; \$54,400 for Alabama A & M University; \$79,500 for the Birmingham City Board of Education; \$62,775 for the Huntsville City Board of Education."

Further amend House Bill 77 by inserting on page 32, line 18 in the Subsection entitled "Youth Services, Department of" the following: "In addition to the above appropriation, there is also hereby appropriated to the Department of Youth Services the sum of \$300,000, to be conditioned upon the availability of funds and the approval of the Governor."

Further amend House Bill 77, page 33 by inserting after line 12 in the Subsection entitled "Environmental Quality Association, Alabama" the following:

"In addition to the above appropriation, there is also hereby appropriated to the Alabama Environmental Quality Association the sum of \$12,250, conditional upon the availability of funds and the approval of the Governor."

Further amend House Bill 77 Section 5-I-B, page 35, line 6 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "2,430,087" and "4,630,320" and inserting in lieu thereof the following:

"2,230,087" and "4,430,320" respectively.

Further amend House Bill 77 on page 35, line 7 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "2,059,141" and "2,507,732" and inserting in lieu thereof the following:

"1,859,141" and "2,307,732" respectively.

Further amend on page 35, line 11 in the Subsection entitled "University of Alabama in Birmingham" by striking the figure "3,437,581" and "6,107,767" and inserting in lieu thereof the following: "3,237,581" and "5,907,767" respectively.

Further amend on page 35, line 16 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "16,124,859" and "67,712,857" and inserting in lieu thereof the following:

"16,724,859" and "68,312,857" respectively.

Further amend House Bill 77 on page 36, line 15 in the subsection entitled "University of Alabama in Birmingham" by striking "190,000" and inserting in lieu thereof "290,000" and after line 19 by inserting the following:

"28. Diabetic Institute . . . . .	200,000	200,000"
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Further amend House Bill 77 on page 36, line 21 in the subsection entitled "University of Alabama in Birmingham" by striking "63,975,600" and inserting in lieu thereof "64,275,600".

Further amend House Bill 77 on page 36, one line 26 in the subsection entitled "University of Alabama in Birmingham" by striking "63,975,600" and "277,590,497" and inserting in lieu thereof "64,275,600" and "277,890,497" respectively.

Further amend House Bill 77 in Section 5-XII on page 43, after line 17 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by inserting the following line:



"C. Hospital-Medical Insurance  
for Employees of the Alabama  
Institute for Deaf and Blind ...

228,000      228,000"

Further amend House Bill 77 on page 43, lines 19 and 22 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by deleting the figure "7,172,840" and inserting in lieu thereof the figure "7,400,840".

Further amend House Bill 77 on page 43, line 22 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by deleting the figure "19,212,817" and inserting in lieu thereof the figure "19,440,817".

Further amend House Bill 77 on page 44, after line 12 by inserting the following:

"Trenholm State Technical College  
For Emergency Medical Services  
Program .....

100,000

SOURCE OF FUNDS

(1) ASETF ..... 100,000

Total Trenholm State Technical  
College for Emergency Medical  
Services Program .....

100,000

100,000"

Further amend House Bill 77 on page 44 after line 12 by adding the following:

"Section 6A—Conditional Ap-  
propriations

(1) University of Alabama .....

928,600

(1) University of Alabama/  
Birmingham .....

1,256,900

(3) University of Alabama/  
Birmingham

A. School of Engineering .....

125,000

B. School of Business .....

125,000

(The above appropriation to the  
School of Engineering and Busi-  
ness is conditioned upon the re-  
ceipts of matching funds from the  
private sector as well as the con-  
dition of the fund and approval of  
the Governor.)

(4) University of Alabama/  
Huntsville .....

393,000

(5) University of Alabama/  
Huntsville Johnson Environ-  
mental and Energy Center ....

25,000

(6) Alabama A & M University .

335,800

(7) Alabama A & M University-Cooperative Extension & Research .....	200,000
(8) Alabama State University ...	116,900
(9) Athens State College .....	31,000
(10) Auburn University .....	603,610
(11) Auburn University-Ralph Draughon Library .....	100,000
(12) Agriculture Experiment Station-Auburn University ....	416,200
(13) Cooperative Extension Service-Auburn University ....	300,000
(14) Auburn University at Montgomery .....	93,800
(15) Jacksonville State University .....	170,000
(16) Jacksonville State University-United Cerebral Palsy Development Center for East Central Alabama .....	5,000
(17) Livingston State University .....	54,600
(18) University of Montevallo ...	216,000
(19) University of North Alabama .....	136,300
(20) University of South Alabama .....	357,532
(21) Troy State University .....	115,100
(22) Troy State University-Branch Campus at Phenix City .....	9,500
(The above appropriations in Section 6A are to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor.)"	

Further amend House Bill 77 in Section 7 B, entitled "Public School Fund" on page 44, lines 30 and 31 by striking "twenty-six million dollars (\$26,000,000)" and inserting in lieu thereof "twenty-six million five hundred thousand dollars (\$26,500,000)".

Further amend House Bill 77 on page 34, in the subsection entitled "The University" by inserting after line 30 the following:

"16. Law School Clinical Education .....	120,000	120,000"
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and further amend said bill by striking the figure "\$42,026,400" on lines 32 and 34 respectively and by inserting in lieu thereof the following figures "42,146,400"; and by striking the figure "101,291,037" on line 34 and insert in lieu thereof the figure "101,411,037".

Further amend House Bill 77 on page 16, lines 5, 7, and 8, in the subsection entitled "Law Institute, Alabama" by striking the figure "211,000" and by inserting in lieu thereof the figure "230,000".

Mr. Denton offered the following substitute amendment for the Pearson amendment, to the Bill, H. B. 77, as amended, to-wit:

SUBSTITUTE AMENDMENT FOR PEARSON AMENDMENT TO H. B. 77,  
AS AMENDED

Further amend House Bill 77 by striking the section 3-A-2 in its entirety and by inserting in lieu thereof the following Section 3-A-2:

"2. Arts and Humanities, Council  
on the

(a) Fine Arts Program .....	1,006,000
(b) Alabama Symphony .....	250,000
(c) Alabama Shakespeare Festival .....	50,000
(d) Brown Arts Council .....	7,500
(e) Heritage Band .....	10,000
(f) Jefferson County Committee for Economic Opportunity, Inc. ...	25,000
(g) Alabama Outdoor Drama ....	10,000

SOURCE OF FUNDS:

(1) ASETF .....	608,500		
(2) Federal & Local Funds .....		<u>750,000</u>	
Total Council on the Arts and Humanities .....	<u>608,500</u>	<u>750,000</u>	<u>1,358,500</u>

In addition to the above appropriation, there is hereby appropriated \$50,000 for the Council on Arts and Humanities to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor."

Amend House Bill 77 by striking Section 3-A-5 subsection (a) and by inserting in lieu thereof the following subsection (a):

(a) Instructional Technical Assistance Program .....	7,643,324
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The proposed spending plan for the above is as follows:

Career Education .....	98,000
Vocational Education ...	651,000
Special Education Administration .....	450,000
Kindergarten Admin. ...	100,000

SOURCE OF FUNDS:

(1) ASETF .....	1,299,000		
(2) Federal & Local Funds .....		<u>6,344,324</u>	
Total Instructional Technical Assistance Program .....	<u>1,299,000</u>	<u>6,344,324</u>	<u>7,643,324</u>

Further amend Said bill on page 7, Section 3-A-5, subsection (d), line 8, by striking "2,000,000" and inserting "2,240,000". On lines 11 and 14 strike "3,143,000" and insert "3,383,000" and on lines 3 and 14 strike "10,476,575" and insert "10,716,575."

Further amend said bill on page 11 by striking lines 12-16 in their entirety and by inserting in lieu thereof the following:

## SOURCE OF FUNDS:

(1) ASETF .....	28,460,500		
(2) Federal and Local Funds ....		<u>57,668,633</u>	
Grand Total Department of Education .....	28,460,500	57,668,633	86,129,133

Further amend House Bill 77 on page 13 after line 35 by inserting the following:

"In addition to the above appropriation for the Commission on Higher Education there is hereby appropriated \$250,000 to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor."

Further amend House Bill 77 page 33, after line 20 by inserting the following Section 4-A sub-section 3.

## "3. Opportunities Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program .....	100,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>	
Total Opportunities Industrialization Centers .....	<u>100,000</u>	<u>100,000"</u>

Further Amend House Bill 77 by striking 3-A subsection 13 in its entirety, and renumbering the subsequent sub-sections.

Further amend House Bill 77, Section 3-A-14 (which is entitled "Industrial Development Training Institute, Alabama") in its entirety and by inserting in lieu thereof the following Section 3-A-14.

## "14. Industrial Development Training Institute, Alabama:

(a) Industrial Training Program	1,360,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,360,000</u>	
Total Alabama Industrial Development Training Institute ....	<u>1,360,000</u>	<u>1,360,000</u>

Further amend House Bill 77 on pages 17 and 18 by striking the section 3-A subsection 21 (entitled "Minimum Program and Public School Fund:") in its entirety and by inserting in lieu thereof the following section 3-A subsection 21, as follows:

"21. Minimum Program and Public School Fund:

(a) Financial Assistance Program 461,400,533

SOURCE OF FUNDS:

(1) ASETF .....	430,224,048	
(2) Public School Fund .....		26,500,000
(3) Local Funds .....		<u>4,676,485</u>
Total Minimum Program and Public School Fund .....	<u>430,224,048</u>	<u>31,176,485</u> <u>461,400,533</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,289
II	13,392	8,767.21	117,410,476
III	11,276	0	0
IV	9,792	0	0
TOTALS		23,811.00	\$351,436,689

For "Other Current Expenses" an amount shall not exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$59,609,410. In addition, there is hereby appropriated \$6,000,000 for "Other Current Expenses", for teacher units funded under the Minimum Program and teacher units funded under the section entitled "Board of Education" which is Section 3-22 (h), (i), (j), (k), and (m), of this Act to be released conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,544,620.

For "Principal Supplement" an amount not to exceed the total of \$2,381,100.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715."

Further amend House Bill 77 by striking the Section 3-A subsection 22 (entitled "Board of Education") in its entirety and insert in lieu thereof the following Section 3-A subsection 22 as follows:

"22. Board of Education

(a) Financial Assistance Program	249,102,413
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SOURCE OF FUNDS:

(1) ASETF .....	249,102,413
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Total Board of Education .....	<u>249,102,413</u>	<u>249,102,413</u>
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(a) To be distributed by State Board of Education for: Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers .....	20,878,968
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Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred forty-six dollars and eighty-eight cents (\$346.88) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$346.88 shall be appropriated per person.

In addition, there is hereby appropriated \$8,500,000 for Hospital Medical Insurance Assistance for teachers, administrative supervisory units, full-time support employees, and adult school bus drivers, to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

(b) Teachers Sick Leave 3,723,744

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave .....	1,564,483
---	-----------

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers      Personal Leave .....	925,598
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The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace  
Fees ..... 9,500,000

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III, and Title IV teachers and ESAA teachers).

(f) Maintenance ..... 5,630,287

(g) Continuation of funds previously granted for Special Education ..... 25,048,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education. Of the \$24,048,991 for Special Education \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children; and \$250,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142.

(h) Kindergarten teacher  
units ..... 18,715,549

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$1,872,792
I	\$15,382	569	8,752,358
II	13,392	397	5,316,624
TOTALS		1080	\$15,941,774

For "Other Current Expenses" and amount not to exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$2,703,715.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher  
units ..... 29,509,929

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h), and additional units in (k). The above appropriation is for 1703 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
TOTALS		1703	\$25,136,096

For "Other Current Expenses" an amount not to exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$4,263,358.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$110,474.

(j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 11,264,266

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	342	5,260,644
II	13,392	239	3,200,688
TOTALS		650	\$9,594,864

For "Other Current Expenses" an amount not to exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$1,627,236.

For "Capital Improvements" an amount not to exceed the sum of \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

(k) Special Education 57,114,209

The above appropriation is for 3250 teacher units and includes salaries, other current expenses, and capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.



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Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1711	26,318,602
II	13,392	1197	16,030,224
TOTALS		3250	\$47,967,202

For "Other Current Expenses" an amount not to exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$8,136,180.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

(1) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education . 5,779,524

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$4,947,391. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	50	\$ 821,400
I	15,382	225	3,460,950
II	13,392	49	665,041
TOTALS		324	\$4,947,391

For "Other Current Expenses" an amount not to exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$811,115.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of 21,018.

(n) Salary increase for lunchroom  
workers formerly  
granted ..... 6,129,600"

Further amend House Bill 77 on page 28, lines 4, 10, and 11 in the Subsection entitled "Physical Fitness, Commission of" by striking the figure "100,000" and inserting in lieu thereof "112,000".

Further amend House Bill 77 on page 31, line 16 in the Subsection entitled "Television Commission, Educational" by inserting the following:

"Of this appropriation, the following amounts are to be expended for the following: \$54,400 for University of Montevallo; \$54,400 for Alabama A & M University; \$79,500 for the Birmingham City Board of Education; \$62,775 for the Huntsville City Board of Education."

Further amend House Bill 77 by inserting on page 32, line 18 in the Subsection entitled "Youth Services, Department of" the following: "In addition to the above appropriation, there is also hereby appropriated to the Department of Youth Services the sum of \$300,000, to be conditioned upon the availability of funds and the approval of the Governor."

Further amend House Bill 77, page 33 by inserting after line 12 in the Subsection entitled "Environmental Quality Association, Alabama" the following:

"In addition to the above appropriation, there is also hereby appropriated to the Alabama Environmental Quality Association the sum of \$12,250, conditional upon the availability of funds and the approval of the Governor."

Further amend House Bill 77 Section 5-I-B, page 35, line 6 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "2,430,087" and "4,630,320" and inserting in lieu thereof the following:

"2,230,087" and "4,430,320" respectively.

Further amend House Bill 77 on page 35, line 7 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "2,059,141" and "2,507,732" and inserting in lieu thereof the following:

"1,859,141" and "2,307,732" respectively.

Further amend on page 35, line 11 in the Subsection entitled "University of Alabama in Birmingham" by striking the figure "3,437,581" and "6,107,767" and inserting in lieu thereof the following:

"3,237,581" and "5,907,767" respectively.

Further amend on page 35, line 16 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "16,124,859" and "67,712,857" and inserting in lieu thereof the following:

"16,724,859" and "68,312,857" respectively.

Further amend House Bill 77 in Section 5-XII on page 43, after line 17 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by inserting the following line:

"C. Hospital-Medical Insurance for Employees of the Alabama Institute for Deaf and Blind . . .	228,000	228,000"
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Further amend House Bill 77 on page 43, lines 19 and 22 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by deleting the figure "7,172,840" and inserting in lieu thereof the figure "7,400,840".

Further amend House Bill 77 on page 43, line 22 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by deleting the figure "19,212,817" and inserting in lieu thereof the figure "19,440,817".

Further amend House Bill 77 on page 44, after line 12 by inserting the following:

"Trenholm State Technical College For Emergency Medical Services Program .....	100,000
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SOURCE OF FUNDS:

(1) ASETF .....	100,000	
Total Trenholm State Technical College for Emergency Medical Services Program .....	100,000	100,000"

Further amend House Bill 77 on page 44 after line 12 by adding the following:

"Section 6A - Conditional Appropriations

(1) University of Alabama .....	1,252,413
(2) University of Alabama/ Birmingham .....	1,749,832
(3) University of Alabama/ Birmingham .....	

A. School of Engineering .....	125,000
B. School of Business .....	125,000

(The above appropriation to the Schools of Engineering and Business is conditioned upon the receipts of matching funds from the private sector as well as the condition of the fund and approval of the Governor.)

(4) University of Alabama/ Huntsville .....	479,543
(5) University of Alabama/ Huntsville Johnson Environmental and Energy Center ....	25,000
(6) Alabama A & M University .	405,755
(7) Alabama A & M University - Cooperative Extension & Research .....	200,000
(8) Alabama State University ...	177,119
(9) Athens State College .....	42,619
(1) Auburn University .....	914,550
(11) Auburn University-Ralph Draughon Library .....	100,000
(12) Agriculture Experiment Station-Auburn University ....	476,059
(13) Cooperative Extension Service-Auburn University ....	365,063

(14) Auburn University at Montgomery .....	142,120
(15) Jacksonville State University	260,149
(16) Jacksonville State University - United Cerebral Palsy Devel- opment Center for East Central Alabama .....	5,000
(17) Livingston State University	82,726
(18) University of Montevallo ...	262,877
(19) University of North Alabama	193,634
(20) University of South Alabama	541,709
(21) Troy State University .....	179,286
(22) Troy State University - Branch Campus at Phenix City	9,500"

(The above appropriations in Section 6A are to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor.)

Further amend House Bill 77 in Section 7 B, on page 44, lines 30 and 31 by striking "twenty-six million dollars (\$26,000,000)" and inserting in lieu thereof "twenty-six million five hundred thousand dollars (\$26,500,000)".

Further amend House Bill 77 on page 16, lines 5, 7, and 8 respectively by striking the figures "211,000" and by inserting in lieu thereof the figure "230,000".

Further amend H. B. 77, Section 5-A, page 34, line 8, strike "34,044,400" and insert in lieu thereof "33,720,587" and strike "66,858,676" and insert in lieu thereof "66,534,863"; on page 34, following line 30, insert the following:

"16. Law School Clinical Education .....	120,000	120,000";
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on lines 32 and 34, strike "42,026,400" and insert in lieu thereof "41,822,587"; on line 34, strike "101,291,037" and insert in lieu thereof "101,087,224".

On page 35, line 4, strike "13,851,630" and insert in lieu thereof "13,358,698" and strike "27,769,378" and insert in lieu thereof "27,276,446"; on page 36, line 15, strike "190,000" and insert in lieu thereof "290,000" and after item 27 insert the following:

"28. Diabetic Institute .....	200,000	200,000";
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on lines 21 and 26, strike "63,973,600" and insert in lieu thereof "63,782,668"; on line 26, strike "277,590,497" and insert in lieu thereof "277,397,565."

On page 37, line 4, strike "6,216,639" and insert in lieu thereof "6,140,096" and strike "13,051,697" and insert in lieu thereof "12,975,154"; on lines 19 and 22, strike "11,232,000" and insert in lieu thereof "11,145,457"; on line 22, strike "22,793,329" and insert in lieu thereof "22,706,786".

On page 37, line 27, strike "8,830,052" and insert in lieu thereof "8,760,097", and strike "19,184,057" and insert in lieu thereof "19,114,102"; and on line 33 strike "9,079,200" and insert in lieu thereof "9,009,245" and strike "22,576,795" and insert in lieu thereof "22,506,840".

On page 38, lines 6, 9, and 11, strike "7,815,600" and insert in lieu thereof "7,755,381"; and on line 6 strike "12,529,320" and insert in lieu thereof "12,469,101"; on line 11, strike "16,562,529" and insert in lieu thereof "16,502,310".

On page 38, lines 15, 18, and 20, strike "1,508,000" and insert in lieu thereof "1,496,381"; on line 15, strike "2,531,268" and insert in lieu thereof "2,519,649"; on line 20, strike "2,778,036" and insert in lieu thereof "2,766,417,"

On page 38, line 24, strike "37,333,874" and insert in lieu thereof "37,022,934," and strike "68,320,186" and insert in lieu thereof "68,009,246"; on page 39, lines 8 and 10, strike "40,355,640" and insert in lieu thereof "40,044,700" on line 10, strike "93,734,300" and insert in lieu thereof "93,423,360."

On page 39, lines 12, 14, and 17, strike "7,768,800" and insert in lieu thereof "7,708,941"; on lines 12 and 17, strike "17,172,417" and insert in lieu thereof "17,112,558."

On page 39, lines 19, 21, and 23, strike "8,444,313" and insert in lieu thereof "8,379,250" on lines 19 and 23, strike "17,960,866" and insert in lieu thereof "17,895,803."

On page 39, line 25, strike "5,807,535" and insert in lieu thereof "5,759,215" and strike "10,345,757" and insert in lieu thereof "10,297,437"; on page 40, lines 4 and 7, strike "6,271,200" and insert in lieu thereof "6,222,880" on line 7 strike "12,115,658" and insert in lieu thereof "12,067,338."

On page 40, line 12, strike "11,031,250" and insert in lieu thereof "10,941,101" and strike "15,621,422" and insert in lieu thereof "15,531,273" on lines 21 and 23, strike "11,700,000" and insert in lieu thereof "11,609,852"; on line 23, strike "18,031,272" and insert in lieu thereof "17,941,124."

On page 40, line 28, strike "3,632,400" and insert in lieu thereof "3,604,274" and strike "4,745,414" and insert in lieu thereof "4,717,288"; on lines 32 and 34, strike "3,650,400" and insert in lieu thereof "3,622,274"; on line 34, strike "6,513,090" and insert in lieu thereof "6,484,964."

On page 41, line 6, strike "5,730,728" and insert in lieu thereof "5,683,851" and strike "8,971,548" and insert in lieu thereof "8,924,671"; on lines 12 and 14, strike "6,084,000" and insert in lieu thereof "6,037,123" on line 14, strike "12,017,394" and insert in lieu thereof "11,970,517."

On page 41, line 19, strike "7,423,200" and insert in lieu thereof "7,365,866" and strike "12,681,448" and insert in lieu thereof "12,624,114"; on lines 23 and 25, strike "7,441,200" and insert in lieu thereof "7,383,866"; on line 25, strike "14,178,225" and insert in lieu thereof "14,120,891."

On page 41, line 30, strike "11,328,316" and insert in lieu thereof "11,144,139" and strike "21,458,748" and insert in lieu thereof "21,274,571"; on page 42 on lines 18 and 20, strike "23,903,568" and insert in lieu thereof "23,719,391"; and on line 20, strike "82,904,342" and insert in lieu thereof "82,720,165."

On page 42, line 26, strike "6,759,200" and insert in lieu thereof "6,695,014" and strike "11,461,489" and insert in lieu thereof "11,397,303";

On page 43 on lines 8 and 10, strike "8,330,400" and insert in lieu thereof "8,266,217"; on line 10, strike "20,859,815" and insert in lieu thereof "20,795,629."

#### AMENDMENT TO H. B. 77

Amend H. B. 77 as follows:

on page 16, item 16. LEGISLATURE on line 10 strike the figures "855,000" and insert in lieu thereof the figures "1,455,000"

Further amend H. B. 77 on page 16, line 11 by striking the figures "570,000" and inserting in lieu thereof the figures "970,000"

Further amend H. B. 77 on page 16, line 13 by striking the figures "1,425,000" and inserting in lieu thereof the figures "2,425,000"

Further amend H. B. 77 on page 16, line 14 by striking in both columns the figures "1,425,000" and inserting in lieu thereof the figures "2,425,000"

Amend House Bill No. 77 Page 30 Lines 13, 15 & 17, by striking out "80,424,668" in the subsection entitled "Social Security (ASETF SHARE)" and inserting in lieu thereof the following:

"79,424,668"

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Waggoner, Bennett, Lewis and Cabaniss (with notice and proof):

H. 51. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Waggoner, Gafford, Biddle, Trammell, Olive, Howard, Horn, Moore, Cabaniss and Bennett (with notice and proof):

H. 52. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next terms of office of said officers and the beginning of each term of office of said officers hereafter.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 52, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Howard, Boles and Lewis (with notice and proof):

H. 53. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 53, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McKee:

H. 25. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

Also:

By Rep. Cates:

H. 106. A bill to amend Act No. 81-258, Acts of Alabama, Regular Session 1981, so as to repeal Section 2 of the Act which provides that sums collected in excess of the rate of interest provided by statute shall be deposited in the general fund.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 's 51, 52 and 53. To the Committee on Local Legislation No. 2.

H. B. 's 25 and 106. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J):

H. 22. To provide further for estates and the rights of spouses therein; to provide further for descent and distribution in the cases of intestacy; to amend Sections 43-3-1, as amended, and 43-3-10, Code of Alabama 1975, which provide for the descent and distribution of real estate and personalty, respectively, of an interstate, so as to provide further therefor; to repeal Section 43-3-12, Code of Alabama 1975, which relates to the husband's distributive share of his wife's estate.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 22. To the Committee on Judiciary.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 5. PROCLAIMING THE DATES OF SEPTEMBER 4 THROUGH SEPTEMBER 7, 1981 AS S.O.B.E.R DAYS IN ALABAMA.

Also:

S. J. R. 16. MOURNING THE DEATH OF COLONEL B. CONN ANDERSON OF AUBURN, ALABAMA.

Also:

S. J. R. 17. HONORING MR. MILLARD DAWSON UPON HIS RETIREMENT AS CAMPUS SECURITY CHIEF, AUBURN UNIVERSITY.

Also:

S. J. R. 18. COMMENDING DR. THOMAS BENJAMIN HAGLER UPON HIS RETIREMENT AS HEAD OF EXTENSION HORTICULTURE, AUBURN UNIVERSITY.

Also:

S. J. R. 23. HONORING DR. CARL BASCOMB GIBSON UPON HIS RETIREMENT FROM CHIROPRACTIC PRACTICE.



Also:

S. J. R. 26. NAMING THE NEW BRIDGE ON STATE HIGHWAY 17 WHICH SPANS THE TOMBIGBEE RIVER APPROXIMATELY FIVE MILES SOUTHWEST OF ALICEVILLE, PICKENS COUNTY, ALABAMA, "THE HUYCK BRIDGE."

McDOWELL LEE,  
Secretary.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 6. Relating to Henry County, Alabama, only; to provide for compensation for the members of the Board of Registrars of Henry County.

Also:

H. 7. Relating to Henry County; providing further for the expense allowance of the members of the county commission.

Also:

H. 11. Relating to DeKalb County; to provide further for the pay of each deputy sheriff who is engaged in hazardous duties.

Also:

H. 12. Relating to the City of Fort Payne, DeKalb County, Alabama; providing further for additional compensation for certain enforcement of state laws to certain municipal police officers for hazardous duty pay; excluding certain police officers who perform administrative or ministerial functions; providing that such compensation be paid from the municipality in the same manner as other compensation is paid to police officers.

Also:

H. 14. To amend Act No. 81-229, 1981 Regular Session, entitled, "Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations," so as to provide further for the fees and disbursement thereof on private enterprises which make a profit burying or storing hazardous waste.

Also:

H. 15. Relating to Choctaw County; to provide an additional expense allowance for members of the county commission.

Also:

H. 35. To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to provide for the expiration of those taxes levied and imposed under authority of Act No. 81-553 which is to be repealed concurrently with the effective date of any levy of taxes authorized in this act.

Also:

H. 39. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

Also:

H. 56. To authorize the Covington County governing body to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; to prescribe the procedure for levying and collecting such assessments; and to provide certain exceptions thereto.

Also:

H. 66. To authorize the Elmore County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 73. Relating to law enforcement in Autauga County; to amend Act No. 871, H. 1200 of the Regular Session, 1969 (Acts 1969, p. 1580) as heretofore amended, an Act which fixes the fee for the issuance of pistol permits and regulates the disposition and use of such fees.

Also:

H. 74. Relating to Lowndes County; amending Section 1 of Act No. 80-319, S. 543 of the 1980 Regular Session (Acts 1980, p. 439), relating to clerical assistants for the tax assessor and tax collector of such county, so as to further provide that the Lowndes County Commission may appoint for each such official one additional full-time assistant and set the compensation payable for all clerical assistants to such officials, and making the provisions retroactive.

Also:

H. J. R. 19. EXPRESSING THE CONCERNS OF THE LEGISLATURE OVER THE RELEASE OF PRISONERS INTO SOCIETY.

Also:

H. J. R. 38. MOURNING THE DEATH OF MISS CYNTHIA DARLENE MYERS OF MONTGOMERY COUNTY, ALABAMA.

Also:

H. J. R. 39. MOURNING THE TRAGIC AND UNTIMELY DEATH OF ROBERT "BURGESS" PRUETT.

Also:

H. J. R. 40. MOURNING THE DEATH OF MR. EMORY WOMBLES OF RAMER, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 43. CONGRATULATING MR. HOYT JONES ON HIS SELECTION AS PRESIDENT OF HOBSON STATE TECHNICAL COLLEGE IN THOMASVILLE, ALABAMA.

Which was adopted.

### FURTHER CONSIDERATION OF H. B. 77

The Senate proceeded to further consideration of the Bill, H. B. 77, as amended. The question was on the Denton substitute amendment for the Pearson amendment to the Bill, H. B. 77, as amended.

Mr. Little moved that said Denton substitute amendment be laid on the table, which motion was lost.

Yeas 8; Nays 23.

*Yeas:*

Messrs.:	deGraffenried	Little	Teague
Cook	Goodwin	Robertson	White
		Smith	—8

*Nays:*

Messrs.:	Figures	Hilliard	Miller
Bailey	Glass	Holmes	Mitchem
Barron	Gulledge	Keener	Parsons
Britnell	Hall	Kirkland	Taylor
Callahan	Harrison	Lemaster	Vacca
Denton	Higginbotham	Martin	Weeks
			—23

And said Denton substitute amendment for the Pearson amendment to the Bill, H. B. 77, as amended, was then adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Roberts and Carter:

H. 13. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

Also:

By Rep. Letson (with notice and proof):

H. 108. Relating to Lawrence County; providing that payment of an expense allowance in the amount of \$100.00 per month being paid by the County Commission to the members of the Board of Education shall be discontinued and thereafter such payment shall be paid from the public school funds.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 108, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 13. To the Committee on Business and Labor Relations.

H. B. 108. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 13, was read a first time at length as required by the Constitution.)

## FURTHER CONSIDERATION OF H. B. 77

The Senate proceeded to further consideration of the Bill, H. B. 77, as amended. The question was on the Pearson amendment, as amended.

Mr. deGraffenried offered the following substitute amendment for the Pearson amendment, as amended, to the Bill, H. B. 77, as amended, to-wit:

## SUBSTITUTE AMENDMENT FOR H. B. 77, AS AMENDED

Further amend House Bill 77 by striking the section 3-A-2 in its entirety and by inserting in lieu thereof the following Section 3-A-2:

"2. Arts and Humanities, Council  
on the

(a) Fine Arts Program .....	1,006,000
(b) Alabama Symphony .....	250,000

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(c) Alabama Shakespeare Festival	50,000
(d) Brown Arts Council .....	7,500
(e) Heritage Band .....	10,000
(f) Jefferson County Committee for Economic Opportunity, Inc. ....	25,000
(g) Alabama Outdoor Drama ....	10,000

SOURCE OF FUNDS:

(1) ASETF .....	608,500		
(2) Federal & Local Funds .....		<u>750,000</u>	
Total Council on the Arts and Humanities .....	<u>608,500</u>	<u>750,000</u>	<u>1,358,500</u>

In addition to the above appropriation, there is hereby appropriated \$50,000 for the Council on Arts and Humanities to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor."

Amend House Bill 77 by striking Section 3-A-5 subsection (a) and by inserting in lieu thereof the following subsection (a):

(a) Instructional Technical Assistance Program .....	7,643,324
--	-----------

The proposed spending plan for the above is as follows:

Career Education .....	98,000
Vocational Education ...	651,000
Special Education Administration .....	450,000
Kindergarten Admin ....	100,000

SOURCE OF FUNDS:

(1) ASETF .....	1,299,000		
(2) Federal & Local Funds .....		<u>6,344,324</u>	
Total Instructional Technical Assistance Program .....	<u>1,299,000</u>	<u>6,344,324</u>	<u>7,643,324</u>

Further amend said bill on page 11 by striking lines 12-16 in their entirety and by inserting in lieu thereof the following:

SOURCE OF FUNDS:

(1) ASETF .....	28,220,500	
(2) Federal and Local Funds ....		<u>57,668,633</u>

GRAND TOTAL DEPARTMENT

OF EDUCATION .....	<u>28,220,500</u>	<u>57,668,633</u>	<u>85,889,133</u>
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Further amend House Bill 77 on page 13 after line 35 by inserting the following:

"In addition to the above appropriation for the Commission on Higher Education there is hereby appropriated \$250,000 to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor."

Further amend House Bill 77 page 33, after line 20 by inserting the following Section 4-A sub-section 3.

“3. Opportunities

Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program .....	100,000
---	---------

SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>	
Total Opportunities Industrialization Centers .....	<u>100,000</u>	<u>100,000”</u>

Further Amend House Bill 77 by striking Section 3-A subsection 13 in its entirety, and renumbering the subsequent sub-sections.

Further amend House Bill 77, Section 3-A-14 (which is entitled “Industrial Development Training Institute, Alabama”) in its entirety and by inserting in lieu thereof the following Section 3-1-14.

“14. Industrial Development  
Training Institute, Alabama:

(a) Industrial Training Program	1,360,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,360,000</u>	
Total Alabama Industrial Development Training Institute ....	<u>1,360,000</u>	<u>1,360,000</u>

Further amend House Bill 77 on pages 17 and 18 by striking the section 3-A subsection 21 (entitled “Minimum Program and Public School Fund.”) in its entirety and by inserting in lieu thereof the following section 3-A subsection 21, as follows:

“21. Minimum Program and Public School Fund:

(a) Financial Assistance Program	461,400,533
----------------------------------	-------------

SOURCE OF FUNDS:

(1) ASETF .....	430,224,048	
(2) Public School Fund .....		26,500,000
(3) Local Funds .....		<u>4,676,485</u>
Total Minimum Program and Public School Fund .....	<u>430,224,048</u>	<u>31,176,485</u> <u>461,400,533</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,289
II	13,392	8,767.21	\$117,410,476
III	11,276	0	0
IV	9,792	0	0
<b>TOTALS</b>		<u>23,811.00</u>	<u>\$351,436,689</u>

For "Other Current Expenses" an amount shall not exceed \$2,503.44 for each earned teacher unit but the total shall not exceed the sum of \$59,609,410. In addition, there is hereby appropriated \$6,000,000 for "Other Current Expenses", for teacher units funded under the Minimum Program and teacher units funded under the section entitled "Board of Education" which is Section 3-22 (h), (i), (j), (k), and (m), of this Act to be released conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,544,620.

For "Principal Supplement" an amount not to exceed the total of \$2,381,100.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715."

Further amend House Bill 77 by striking the Section 3-A subsection 22 (entitled "Board of Education") in its entirety and insert in lieu thereof the following Section 3-A subsection 22 as follows:

"22. Board of Education

(a) Financial Assistance Program 248,647,659

SOURCE OF FUNDS:

(1) ASETF ..... 248,647,659

Total Board of Education ..... 248,647,659 248,647,659

- (a) To be distributed by State  
Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers ..... 20,878,968

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred forty-six dollars and eighty-eight cents (\$346.88) per annum per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$346.88 shall be appropriated per person.

In addition, there is hereby appropriated \$8,500,000 for Hospital Medical Insurance Assistance for teachers, administrative supervisory units, full-time support employees, and adult school bus drivers, to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor.

- (b) Teachers Sick Leave 3,723,744

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

- (c) Support Personnel Sick  
Leave ..... 1,564,483

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

- (d) Teachers Personal  
Leave ..... 925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

- (e) Funds to Replace  
Fees ..... 9,500,000

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III, and Title IV teachers and ESAA teachers).

- (f) Maintenance ..... 5,630,287

- (g) Continuation of funds previously granted for Special Education ..... 25,048,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education. Of the \$24,048,991 for Special Education \$350,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be



allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children; and \$250,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142.

(h) Kindergarten teacher  
units ..... 18,645,457

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$1,872,792
I	15,382	569	8,752,358
II	13,392	397	5,316,624
TOTALS		1080	\$15,941,774

For "Other Current Expenses" and amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$2,633,623.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

(i) Supportive teacher  
units ..... 29,399,404

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h), and additional units in (k). The above appropriation is for 1703 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
TOTALS		1703	\$25,136,096

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$4,152,834.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$110,474.

- (j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 11,222,081

The above appropriations is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	342	5,260,644
II	13,392	239	3,200,688
TOTALS		650	\$9,594,864

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$1,585,057.

For "Capital Improvements" an amount not to exceed the sum of \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

- (k) Special Education 56,903,285

The above appropriation is for 3250 teacher units and includes salaries, other current expenses, and capital improvements and transportation at the following rates:

For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1711	26,318,602
II	13,392	1197	16,030,224
TOTALS		3250	\$47,967,202

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$7,925,255.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

- (1) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(m) Driver Education ..... 5,758,496

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$4,947,391. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	50	\$ 821,400
I	15,382	225	3,460,950
II	13,392	49	665,041
TOTALS		<hr/> 324	<hr/> \$4,947,391

For "Other Current Expenses" an amount not to exceed \$2,438.54 for each earned teacher unit but the total shall not exceed the sum of \$790,087.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

(n) Salary increase for lunchroom workers formerly granted ..... 6,129,600"

Further amend House Bill 77 on page 28, lines 4, 10, and 11 in the Subsection entitled "Physical Fitness, Commission of" by striking the figure "100,000" and inserting in lieu thereof "112,000".

Further amend House Bill 77 on page 31, line 16 in the Subsection entitled "Television Commission, Educational" by inserting the following:

"Of this appropriation, the following amounts are to be expended for the following: \$54,400 for University of Montevallo; \$54,400 for Alabama A & M University; \$79,500 for the Birmingham City Board of Education; \$62,775 for the Huntsville City Board of Education."

Further amend House Bill 77 by inserting on page 32, line 18 in the Subsection entitled "Youth Services, Department of" the following:

"In addition to the above appropriation, there is also hereby appropriated to the Department of Youth Services the sum of \$300,000, to be conditioned upon the availability of funds and the approval of the Governor."

Further amend House Bill 77, page 33 by inserting after line 12 in the Subsection entitled "Environmental Quality Association, Alabama" the following:

"In addition to the above appropriation, there is also hereby appropriated to the Alabama Environmental Quality Association the sum of \$12,250, conditional upon the availability of funds and the approval of the Governor."

Further amend House Bill 77 Section 5-I-B, page 35, line 6 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "2,430,087" and "4,630,320" and inserting in lieu thereof the following: "2,230,087" and "4,430,320" respectively.

Further amend House Bill 77 on page 35, line 7 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "2,059,141" and "2,507,732" and inserting in lieu thereof the following:

"1,859,141" and "2,307,732" respectively.

Further amend on page 35, line 11 in the Subsection entitled "University of Alabama in Birmingham" by striking the figure "3,437,581" and "6,107,767" and inserting in lieu thereof the following:

"3,237,581" and "5,907,767" respectively.

Further amend on page 35, line 16 in the Subsection entitled "University of Alabama in Birmingham" by striking the figures "16,124,859" and "67,712,857" and inserting in lieu thereof the following: "16,724,859" and "68,312,857" respectively.

Further amend House Bill 77 on page 36, line 15 in the subsection entitled "University of Alabama in Birmingham" by striking "190,000" and inserting in lieu thereof "290,000" and after line 19 by inserting the following:

"28. Diabetic Institute . . . . .	200,000	200,000"
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Further amend House Bill 77 on page 36, line 21 in the subsection entitled "University of Alabama in Birmingham" by striking "63,975,600" and inserting in lieu thereof "64,275,600".

Further amend House Bill 77 on page 36, on line 26 in the subsection entitled "University of Alabama in Birmingham" by striking "63,975,600" and "277,590,497" and inserting in lieu thereof "64,275,600" and "277,890,497" respectively.

Further amend House Bill 77 in Section 5-XII on page 43, after line 17 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by inserting the following line:

"C. Hospital-Medical Insurance for Employees of the Alabama Institute for Deaf and Blind . . .	228,000	228,000"
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Further amend House Bill 77 on page 43, lines 19 and 22 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by deleting the figure "7,172,840" and inserting in lieu thereof the figure "7,400,840".

Further amend House Bill 77 on page 43, line 22 in the subsection entitled "Board of Trustees for Alabama Institute for the Deaf and Blind" by deleting the figure "19,212,817" and inserting in lieu thereof the figure "19,440,817".

Further amend House Bill 77 on page 44, after line 12 by inserting the following:

"Trenholm State Technical College For Emergency Medical Services Program . . . . .	100,000
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SOURCE OF FUNDS:

(1) ASETF .....	100,000	
Total Trenholm State Technical College for Emergency Medical Services Program .....	100,000	100,000"

Further amend House Bill 77 on page 44 after line 12 by adding the following:

"Section 6A - Conditional Appropriations

(1) University of Alabama .....	928,600
(2) University of Alabama/ Birmingham .....	1,256,900
(3) University of Alabama/ Birmingham	
A. School of Engineering .....	125,000
B. School of Business .....	125,000
(The above appropriation to the Schools of Engineering and Business is conditioned upon the receipts of matching funds from the private sector as well as the condition of the fund and ap- proval of the Governor.)	
(4) University of Alabama/ Huntsville .....	393,000
(5) University of Alabama/ Huntsville Johnson Environ- mental and Energy Center ....	25,000
(6) Alabama A & M University .	335,800
(7) Alabama A & M University - Cooperative Extension & Re- search .....	200,000
(8) Alabama State University ...	116,900
(9) Athens State College .....	31,000
(10) Auburn University .....	603,610
(11) Auburn University-Ralph Draughon Library .....	100,000
(12) Agriculture Experiment Station-Auburn University ....	416,200
(13) Cooperative Extension Service-Auburn University ....	300,000
(14) Auburn University at Montgomery .....	93,800
(15) Jacksonville State University	170,000

(16) Jacksonville State University - United Cerebral Palsy Development Center for East Central Alabama .....	5,000
(17) Livingston State University	54,600
(18) University of Montevallo ...	216,000
(19) University of North Alabama	136,300
(20) University of South Alabama	357,532
(21) Troy State University .....	115,100
(22) Troy State University - Branch Campus at Phenix City	9,500
(The above appropriations in Section 6A are to be conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor.)	

Further amend House Bill 77 in Section 7 B, entitled "Public School Fund" on page 44, lines 30 and 31 by striking "twenty-six million dollars (\$26,000,000)" and inserting in lieu thereof "twenty-six million five hundred thousand dollars (\$26,500,000)".

Further amend House Bill 77 on page 34, in the subsection entitled "The University" by inserting after line 30 the following:

"16. Law School Clinical Education .....	120,000	120,000"
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and further amend said bill by striking the figure "42,026,400" on lines 32 and 34 respectively and by inserting in lieu thereof the following figures "42,146,400"; and by striking the figure "101,291,037" on line 34 and insert in lieu thereof the figure "101,411,037".

Further amend House Bill 77 on page 16, lines, 5, 7, and 8, in the subsection entitled "Law Institute, Alabama" by striking the figure "211,000" and by inserting in lieu thereof the figure "230,000".

Amend House Bill No. 77 Page 30 Lines 20 & 27, by striking out "170,160,539" and inserting in lieu thereof:

"168,160,539"

Further amend H. B. 77 on page 30 line 23 by striking "156,748,139" and inserting in lieu thereof:

"154,748,139"

Further amend H. B. 77 on page 30 after line 28 by inserting the following:

"In addition to the above appropriation, thereby is hereby appropriated to the Teacher's Retirement System of Alabama \$2,000,000 (two million dollars) to be conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor."

Amend H. B. 77 as follows:

on page 16, item 16. LEGISLATURE on line 10 strike the figures "855,000" and insert in lieu thereof the figures "1,455,000"

Further amend H. B. 77 on page 16, line 11 by striking the figures "570,000" and inserting in lieu thereof the figures "970,000"

Further amend H. B. 77 on page 16, line 13 by striking the figures "1,425,000" and inserting in lieu thereof the figures "2,425,000"

Further amend H. B. 77 on page 16, line 14 by striking in both columns the figures "1,425,000" and inserting in lieu thereof the figures "2,425,000"

Amend House Bill No. 77 Page 30 Lines 13, 15 & 17 by striking "80,424,668" in the subsection entitled "Social Security (ASETF SHARE)" and inserting in lieu thereof the following:

"79,424,668"

Which was adopted.

Yeas 18; Nays 13.

*Yeas:*

Messrs.:	Kirkland	Parsons	Teague	
Cook	Lemaster	Proctor	Vacca	
deGraffenried	Little	Robertson	Weeks	
Goodwin	Martin	St. John	White	
Higginbotham	McDonald	Smith		—18

*Nays:*

Messrs.:	Figures	Harrison	Miller	
Bailey	Glass	Hilliard	Taylor	
Barron	Gulledge	Holmes		—13
Britnell	Hall			
Denton				

And the Pearson amendment, as thus amended by the deGraffenried substitute amendment, to the Bill, H. B. 77, as amended, was then adopted by the Senate.

Yeas 32; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Higginbotham	Mitchem	Teague	
Cook	Hilliard	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Glass	Kirkland	Robertson		—32
Goodwin	Little			

*Nay:* Mr. Barron. —1

Mr. Parsons offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

## AMENDMENT TO H. B. 77, AS AMENDED

Amend House Bill 77 Section 3-A-21 "Minimum Program and Public School Fund" by deleting the figures provided for the "(a) Financial Assistance Program" and inserting in lieu thereof the following:

"(a) Financial Assistance Program .....	463,150,533
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## SOURCE OF FUNDS:

(1) ASETF .....	431,974,048	
(2) Public School Fund .....		26,500,000
(3) Local Funds .....		<u>4,676,485</u>
Total Minimum Program and Pub- lic School Fund .....	431,974,048	<u>31,176,485</u> 463,150,533"

Further amend H. B. 77 Section 3-A-21 by deleting the language providing for "Other Current Expenses" and inserting in lieu thereof the following:

"For "Other Current Expenses" an amount not to exceed \$2,576.93 for each earned teacher unit but the total shall not exceed the sum of \$61,359,410."

Amend House Bill 77, page 31, lines 16-19 by deleting these lines in their entirety and renumber the subsequent subsections accordingly.

On motion of Mr. Smith, said amendment was laid on the table.

Yeas 15; Nays 14.

*Yeas:*

Messrs.:	Denton	Gulledge	Miller
Barron	Figures	Holmes	Smith
Britnell	Glass	Martin	Taylor
Callahan	Goodwin	McDonald	Weeks

—15

*Nays:*

Messrs.:	Harrison	Lemaster	Robertson
Bailey	Higginbotham	Little	Vacca
deGraffenried	Hilliard	Parsons	White
Hall	Kirkland	Proctor	

—14

Mr. Robertson offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

## AMENDMENT TO H. B. 77, AS AMENDED

Amend House Bill 77, page 3, Section 3, line 12 by striking "1,013,750" and inserting in lieu thereof "913,750" and on line 19 strike "523,750" and insert in lieu thereof "423,750" and on line 22 strike "523,750" and insert in lieu thereof "423,750"; on line 22 strike "1,273,750" and insert in lieu thereof "1,173,750".

On page 12, line 12, strike "100,000" and insert in lieu thereof "150,000" and on line 19, strike "100,000" and insert in lieu thereof "150,000" and on line 22 strike "100,000" and insert in lieu thereof "150,000" and also on line 22 strike "100,000" and insert in lieu thereof "150,000".



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On page 30, line 6, strike "228,559" and insert in lieu thereof "278,559" and on line 8, strike "228,559" and insert in lieu thereof "278,559" and on line 10 strike "228,559" and insert in lieu thereof "278,559" and also on line 10 strike "228,559" and insert in lieu thereof "278,559".

On motion of Mr. Little, said amendment was laid on the table.

Yeas 14; Nays 13.

*Yeas:*

Messrs.:	Denton	Little	Taylor	
Bailey	Figures	Miller	Vacca	
Cook	Higginbotham	Pearson	White	
deGraffenried	Holmes	St. John		—14

*Nays:*

Messrs.:	Gulledge	Martin	Robertson	
Barron	Harrison	McDonald	Weeks	
Britnell	Kirkland	Proctor		—13
Glass	Lemaster			
Goodwin				

Mr. Higginbotham offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

AMENDMENT TO H. B. 77, AS AMENDED

Amend House Bill No. 77, by inserting at the end of section 6A strike the parenthesis and insert in lieu thereof the following after the word "Governor."

Provided however, that any funds, allocated under this section shall be prorated among the institution listed. No allocation shall be made to one institution without all institutions receiving the same percentage of appropriations listed herein).

Which was adopted.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Glass	Little	Robertson	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Miller	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Holmes	Proctor	White	
Denton	Lemaster			—25

*Nay:* Mr. St. John. —1

Mr. Little offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

AMENDMENT TO H. B. 77, AS AMENDED

Amend House Bill No. 77, as amended Page 31 following Line 15, by inserting the following:

"In addition to the above appropriation made to the Educational Television Commission, the sum of \$200,000 is also hereby appropriated, conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Miller	Vacca	
Cook	Holmes	Parsons	White	
deGraffenried	Kirkland			—25

*Nays:* —0

Mr. Robertson offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

#### AMENDMENT TO H. B. 77, AS AMENDED

Amend H. B. 77 on page 3, line 12, item (a) by striking "1,006,000" and inserting in lieu thereof "906,000".

Further amend H. B. 77 on page 3, line 19, item (1) by striking "608,500" and inserting in lieu thereof "508,500".

Further amend H. B. 77 on page 3, line 22, by striking "608,500" and inserting in lieu thereof "508,500". Also amend H. B. 77, on page 3, line 22, by striking "1,358,500" and inserting in lieu thereof "1,258,000".

Further amend H. B. 77, on page 12, line 12, by striking "100,000" and inserting in lieu thereof the following:

"128,559".

Further amend H. B. 77, page 12, line 19, by striking "100,000" and inserting in lieu thereof "128,559".

Further amend H. B. 77, page 12, line 22, by striking each total of "100,000" and inserting in lieu thereof for each total the figure "128,559".

On motion of Mr. Little, said amendment was laid on the table.

Mr. Kirkland offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

#### AMENDMENT TO H. B. 77, AS AMENDED

Section 3. Page 12, line 12 strike "100,000" and insert in lieu thereof "128,559". and line 19 strike "100,000" and insert in lieu thereof "128,559". And line 22 strike "100,000" and insert in lieu thereof "128,559" also line 22 strike "100,000" and insert in lieu thereof "128,559" and further amend Page 30 line 6 strike "228,559" and insert in lieu thereof "200,000" and line 8 strike "228,559" and insert in lieu "200,000 and line 10 strike "228,559" also line 10 strike "228,559" and insert in lieu thereof "200,000".

Which was adopted.

Yeas 21; Nays 2.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Higginbotham	McDonald	Vacca
Callahan	Holmes	Parsons	Weeks
deGraffenried	Kirkland	St. John	White
Glass	Lemaster		

—21

*Nays:* Messrs.: Robertson and Teague. —2

Mr. Robertson offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

AMENDMENT TO H. B. 77, AS AMENDED

Amend House Bill No. 77 amended Page 12, after Line 22, by inserting the following:

"In addition there is also hereby appropriated the sum of \$28,559, conditioned on the condition of the Alabama Special Educational Trust Fund and the approval of the Governor."

Which was adopted.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Goodwin	McDonald	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Harrison	Parsons	Vacca
deGraffenried	Kirkland	Robertson	Weeks
Denton	Lemaster	St. John	White
Glass	Little	Smith	

—22

*Nay:* Mr. Martin. —1

On motion of Mr. Teague, the Senate reconsidered the vote by which it adopted the Pearson amendment, as amended, to the Bill, H. B. 77, as amended.

Mr. Teague then moved that the Senate reconsider the vote by which it adopted the deGraffenried substitute amendment for the Pearson amendment to the Bill, H. B. 77, as amended.

Mr. deGraffenried moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 10; Nays 21.

*Yeas:*

Messrs.:	Kirkland	Proctor	Vacca
deGraffenried	Little	Robertson	White
Higginbotham	McDonald	Smith	

—10

*Nays:*

Messrs.:	Figures	Hilliard	Parsons
Bailey	Glass	Holmes	St. John
Barron	Goodwin	Lemaster	Taylor
Britnell	Gulledge	Martin	Teague
Cook	Hall	Miller	Weeks
Denton	Harrison		

—21

The question then recurred on the motion of Mr. Teague to reconsider the deGraffenried substitute amendment, which was adopted.

And on motion of Mr. Teague, the deGraffenried substitute amendment was laid on the table.

And on motion of Mr. Teague, the Pearson amendment, as amended by the Denton substitute amendment, to the Bill, H. B. 77, as amended, was adopted.

Yeas 23; Nays 8.

*Yeas:*

Messrs.:	Figures	Hilliard	Miller
Bailey	Glass	Holmes	Mitchem
Barron	Gulledge	Keener	Parsons
Britnell	Hall	Kirkland	Taylor
Callahan	Harrison	Lemaster	Vacca
Denton	Higginbotham	Martin	Weeks

—23

*Nays:*

Messrs.:	Goodwin	Robertson	Teague
Cook	Little	Smith	White
deGraffenried			

—8

Mr. Callahan offered the following amendment to the Bill, H. B. 77, as amended, to-wit:

#### AMENDMENT TO H. B. 77, AS AMENDED

Amend House Bill 77, Section 3A by inserting on page 14, line 3, a new subsection 13 and renumbering the subsequent subsections.

The new subsection 13 is to read as follows:

#### 13. STUDY COMMISSION, ALA-BAMA EDUCATION

(a) Advisory Service Program ... 100,000

#### SOURCE OF FUNDS:

(1) ASETF ..... 100,000

Total Alabama Education Study Commission .....	100,000	100,000
--	---------	---------

(to be expended in accordance with Act No. 15, 1969 Special Session)

Also amend House Bill 77 as amended on page 7, line 8 by deleting the figures \$2,100,000 and inserting in lieu thereof the figures \$2,000,000 and adjusting the totals accordingly.

On motion of Mr. Proctor, said amendment was laid on the table.

Mr. deGraffenried moved that the Senate reconsider the vote by which the Kirkland amendment was adopted.

On motion of Mr. Kirkland, the motion to reconsider was laid on the table.

And said Bill, H. B. 77, as thus amended, was read a third time at length and passed.

Yeas 32; Nays 3.

*Yeas:*

Messrs.:	Glass	Little	St. John
Bailey	Goodwin	Martin	Smith
Barron	Gulledge	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Callahar.	Hilliard	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Kirkland	Proctor	—32
Figures	Lemaster		

*Nays:* Messrs.: Hall, Harrison and Robertson. —3

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 31. To make a supplemental appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1981, from the general fund of the state treasury.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 31, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 31

#### A BILL TO BE ENTITLED AN ACT

To make a supplemental appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1981, from the general fund of the state treasury and the special educational trust fund.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, in addition to any and all other appropriations heretofore or hereafter made, the amount of Seven Hundred and Fifty Thousand Dollars (\$750,000) from the general fund of the state treasury and Seven Hundred and Fifty Thousand Dollars (\$750,000) from the special educational trust fund for the fiscal year ending September 30, 1981, for salaries and expenses of the Legislature.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Cook	Hilliard	Parsons	Vacca
Denton	Holmes	Pearson	Weeks
Figures	Kirkland	Proctor	White

—27

*Nays:*

—0

### BILLS ON THIRD READING RESUMED

The Bill:

S. 81. To amend Act No. 81-258, Acts of Alabama, Regular Session 1981, so as to repeal Section 2 of the Act which provides that sums collected in excess of the rate of interest provided by statute shall be deposited in the general fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
deGraffenried	Holmes	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Little	St. John	White
Gulledge			

—24

*Nays:*

—0

The Bill:

H. 78. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the

state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Harrison	Miller	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Kirkland	Pearson	White
Figures	Lemaster	Proctor	—26

*Nays:* —0

#### RESOLUTION

Messrs. Bailey, Higginbotham and Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. MOURNING THE DEATH OF FORMER EUFAULA MAYOR EUGENE C. PARKER AND HIS WIFE, MRS. SOLITA PARKER.

WHEREAS, it is with a sense of shock and deep sadness that the Alabama Legislature notes the death of former Eufaula Mayor Eugene C. Parker and his wife, Mrs. Solita Parker, both of whom were tragically killed on July 24, 1981, in an automobile accident which also claimed the life of Mr. Parker's sister-in-law, Mrs. Gloria Parker of South Carolina; and

WHEREAS, Eugene C. Parker, though a native of South Carolina, was a longtime resident of Eufaula, Alabama, and one of his community's most prominent citizens, having served as Mayor, on the Industrial Development Committee of the Chamber of Commerce, on the Parks and Recreation Board, as Director of the Eufaula Heritage Association, Treasurer of the Barbour Association for Retarded Citizens and as a member of RSVP and the Downtown Action Committee; and

WHEREAS, he was a veteran of World War II, a lifetime member of VFW Memorial Post 5850, a member of the Eufaula Kiwanis Club and of the Holy Redeemer Catholic Church which he served with dedicated loyalty and devotion; and

WHEREAS, Mrs. Solita Parker, a native of Eufaula, also was a communicant of the Holy Redeemer Catholic Church, having served as lay reader and as past president of the Altar Society; she further was actively involved with the many programs and projects of the Parent-Teacher Association, the Association for Retarded Citizens, the Leukemia Society and the Pink Lady organization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the deaths of Eugene C. and Solita Parker of Eufaula, Alabama, and extend our deepest sympathy to all members of their families to whom copies of this resolution shall be sent, evidencing our shared sorrow and concern for them in their time of such great loss.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

**ADJOURNMENT**

At 7:55 P. M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, August 13, 1981, at 11 o'clock A. M.



SIXTH LEGISLATIVE DAY  
THURSDAY, AUGUST 13, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank E. Martin, Pastor, Evangel Temple, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	
Glass			

—35

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 37. REQUESTING THE DEPARTMENT OF REVENUE TO STUDY TAX INCENTIVES TO ENCOURAGE INDIVIDUALS TO CARE FOR DEPENDENT ADULT FAMILY MEMBERS.

Also:

S. J. R. 19. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Bill with the original Senate, respectively, and finds same correctly enrolled, to-wit:

S. 31. To make a supplemental appropriation for salaries and other expenses for the use of the Legislature for the fiscal year ending September 30, 1981, from the general fund of the state treasury and the special educational trust fund.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTION

Mr. White offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. COMMENDING MR. CRAIG FRANCIS SMALL FOR SERVICE TO THE STATE OF ALABAMA IN HIS CAPACITY AS ADMINISTRATIVE ASSISTANT TO GOVERNOR FOB JAMES.

WHEREAS, Craig Francis Small has diligently served the State of Alabama as Administrative Assistant in the Governor's Office; and

WHEREAS, his invaluable contributions have aided substantially the operation of the Governor's Office; and

WHEREAS, he has resigned his position as Administrative Assistant to pursue career opportunities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with gratitude and most highly commend Craig Francis Small for his outstanding contributions to the Governor's Office and to the State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Small receive a copy of this resolution, tendered in appreciation and in token of our high regard.

On motion of Mr. White, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 78. Providing for a decrease in the 1980-1981 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-1982 fiscal year, in addition to all other sums hereinafter appropriated therefor for such 1981-1982 fiscal year.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Reed and Barton:

H. J. R. 54. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. GEORGE WASHINGTON CARVER IN THE STATE CAPITOL OR ON THE CAPITOL GROUNDS.

WHEREAS, Doctor George Washington Carver was a distinguished scientist, agricultural chemist and experimenter who brought great fame and worldwide recognition to the State of Alabama; and

WHEREAS, Dr. Carver came to Alabama and to Tuskegee Institute in 1896, remaining and serving his beloved university until his death in 1943; and

WHEREAS, in his research and experimental efforts for the university, Dr. Carver discovered over 300 by-products of the peanut and more than 150 products of the sweet potato which were only two areas of his agricultural research serving to revolutionize the economy of the South and, indeed, the nation as well; and

WHEREAS, in gratitude for his brilliant contributions to our nation and the world, the Congress of the United States authorized the minting of a half-dollar coin in Dr. Carver's honor; and

WHEREAS, it is fitting that the State of Alabama also pay tribute to an outstanding citizen of our state and that such memorial be appropriately placed so that students, out-of-state visitors and all Alabama citizens may be reminded of the extraordinary place in history held by Dr. George Washington Carver; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Historical Commission is hereby directed to provide for the purchase or moulding of, and the placement in the Capitol or on the Capitol grounds, a bust or statue of George Washington Carver with an appropriate inscription thereon.

BE IT FURTHER RESOLVED, That expenses incurred for purchasing and placement of said bust or statue be paid out of funds from private donations, which the Department of Revenue shall designate as tax deductible, or from any other funds made available for said purpose.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 54, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale and Manley:

H. J. R. 55. COMMENDING MR. BILL CASSITY, FORMER ADMINISTRATOR OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry, McMillan, Parker, Kennedy, Clark (W), Harper (T) and Bedsole:

H. J. R. 49. NAMING THE I-10 BRIDGE OVER MOBILE BAY THE "JUBILEE PARKWAY."

WHEREAS, it is the desire of the Eastern Shore Chamber of Commerce and the majority of the citizens of the Eastern Shore of Mobile Bay that the I-10 bridge over Mobile Bay be named the "Jubilee Parkway"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body hereby names and designates the entire span of the Interstate-10 bridge over Mobile Bay the "Jubilee Parkway."

BE IT FURTHER RESOLVED, That the State Highway Department in cooperation with the Federal Bureau of Roads shall cause appropriate signs and markers to be erected and maintained so designating said bridge as the "Jubilee Parkway."

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Glass, the Rules were suspended and the Resolution, H. J. R. 49, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Bowling, Cheatwood, Clark (W), Cobb, Drinkard, Gregg, Hall, Harvey, Higginbotham, Holmes, Kennedy, Langford, Rains, Reed, Riddick and Shavers:

H. J. R. 52. COMMENDING COACH JOSEPH HENDERSON OF ALABAMA A&M UNIVERSITY.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 52, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (J):

H. J. R. 46. COMMENDING VIRGIL J. UPTAIN ON HIS SERVICE AS CLERK OF THE DISTRICT COURT OF MADISON COUNTY.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 46, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Payne, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 47. HONORING THE 276th ENGINEER COMBAT BATTALION FOR MERITORIOUS SERVICE TO OUR NATION.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution, H. J. R. 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 53. TO CREATE A CONTINUING INTERIM COMMITTEE TO OVERSEE AND MONITOR THE TELEPHONE SYSTEM.

WHEREAS, There is strong and recurring evidence that there has been illicit eavesdropping on telephone conversations on the telephone calls coming into and going out from the state telephone system and the possible illegal recording of private conversations made on the state telephone system; and

WHEREAS, this is a matter of grave import that needs continual monitoring by a permanent committee of the legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing interim committee to oversee the state telephone system of the State of Alabama and to check into all facets of its operation including, but not

limited to, illicit and illegal eavesdropping upon conversations originating from and coming into the state telephone system and the possible illegal recording of conversations on the state telephone system.

The committee shall be composed of six members of the house and six members of the senate appointed by the presiding officers of each house. The committee shall choose a chairman and vice chairman from among its members and adopt rules for its procedure and hearings.

The committee shall serve without pay. The committee shall have the full subpoena powers of a committee of the legislature.

All agencies of state government shall give the committee their full cooperation and the South Central Bell Telephone System is respectfully requested to furnish any expert advice and technical assistance to the committee that the committee may deem necessary.

The Clerk of the House shall furnish such clerical assistance as the committee shall require.

The committee shall make such reports to the legislature from time to time as it sees fit.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 53, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### RESOLUTIONS

Mr. Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 46. ADDING NEW JOINT RULE RELATIVE TO PASSAGE OF BUDGETS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a new Joint Rule be adopted to read as follows, to-wit:

"Rule No. 24: On the 20th legislative day of each regular session both the General Fund Appropriations Bill and the Education Appropriations Bill shall be the first and only order of business and the continuing order of business on each legislative day thereafter until such appropriations bills have been passed by both houses unless either the Senate or House votes by a 3/5 majority to suspend this rule."

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 47. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the first Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
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H. B. 1	7 (suppl.)	Redistrict cong. districts
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6th Day

H. B. 21	4 (suppl.)	Prov. for design of disabled vet. tags
S. B. 18	15	Workmen's comp., co-emp. legal action prohib. c/a
S. B. 42	12	Wildlife Heritage Committee, created
H. B. 38	1 (suppl.)	Budget Isolation
S. B. 17	31	State fund, reserve admin. by Treasurer c/a
S. B. 22	9	St. Agencies, liability insurance
H. B. 10	4 (suppl.)	Relating to historical commissions cong. districts
S. B. 89	1 (suppl.)	Industrial Dev. Auth., exempt from usury
S. B. 8		Empl's., health ins., cover not only full-time
S. B. 57	6	Parole courts by Bd. of Pardons & paroles
S. B. 40	2	Empl's., longevity pay
S. B. 39	24	Liquefied Petroleum gas, use in Mtr. Veh.
S. B. 5	7	Cullman, burned out school, approp.
S. B. 15	5	Money Judgements, int. rate
S. B. 80	22	Constables, auth. to hire deputies
S. B. 21	12	Paint, Labeling, inspection fees
S. B. 76	13	Poor and Disadvantaged, services
S. B. 10	9	Zoning Ordinances, proc. for adopt.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

**S. J. R. 48. EXPRESSING APPRECIATION TO MR. ROBERT J. POTTER FOR HIS CONTRIBUTION TO THE RE-OPENING OF THE GULF STATE PARK COMPLEX.**

WHEREAS, the Gulf State Park Lodge and Convention Center facilities were re-opened in mid-July 1981 following lengthy restoration of the complex which had been severely damaged by Hurricane Frederic in September 1979; and

WHEREAS, a special event of the weekend was a luncheon for the many dignitaries and guests on hand for official re-opening ceremonies, and a substantial contribution was made by Mr. Robert J. Potter who provided shrimp for the luncheon through the Baldwin County Legislative Delegation; and



WHEREAS, Mr. Potter, who is a commercial shrimper, also is one of his community's most prominent business and civic leaders, serving on the Board of Equalization and on the board of directors of the Citizens' Bank of Robertsedale, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Robert J. Potter and express this body's deep appreciation for his contribution to the re-opening of the Gulf State Park complex.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Potter that he may know of our high praise, appreciation and regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gulledge then offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. COMMENDING MR. AND MRS. JOHN RAY NELSON AND THE STAFF AND EMPLOYEES OF THE BON SECOUR FISHERIES.

WHEREAS, following Hurricane Frederic in September 1979, both Gulf State Park and the State Lodge at Gulf Shores, Alabama, lay in virtual ruins; and

WHEREAS, following the long and difficult task of restoration, the re-opening of the Lodge Complex became reality in mid-July 1981; and

WHEREAS, during a jubilant weekend of festive celebration, scores of dignitaries and other guests participated in re-opening ceremonies and events which included a delicious luncheon for the participants; and

WHEREAS, Mr. and Mrs. John Ray Nelson and the staff and employees of the Bon Secour Fisheries are to be commended for their contribution of shrimp for the luncheon which was provided through the Baldwin County Legislative Delegation; and

WHEREAS, the Bon Secour Fisheries is a family-owned business which has long been a leader in the seafood industry of our state, and Mr. Nelson is a past member of the advisory committee of the State Department of Conservation and currently serves on the governing agency of Gulf States Fisheries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. and Mrs. John Ray Nelson and the staff and employees of the Bon Secour Fisheries and express this body's deep appreciation for their contribution to the re-opening of the Gulf State Park complex.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Nelson on behalf of the Bon Secour Fisheries in token of our gratitude and warm personal regards.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 19. To alter or rearrange the boundary lines of the Town of Nectar, Blount County, Alabama, so as to include therein and within the corporate limits of said Town territory not already included therein.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Keener	Mitchem	Vacca	
deGraffenried	Kirkland	Pearson	Weeks	
Figures	Lemaster	Proctor	White	
Glass	Little	St. John		—25

*Nays:* —0

The Bill:

H. 42. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Thorsby in Chilton County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Figures	Kirkland			—25

*Nays:* —0

The Bill:

H. 45. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

was read a third time at length and passed.

FIRST EXTRAORDINARY SESSION  
6th Day

229

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Pearson
Bailey	Figures	Hilliard	Proctor
Barron	Glass	Holmes	St. John
Britnell	Goodwin	Little	Teague
Callahan	Gulledge	McDonald	Vacca
Cook	Hall	Mitchem	White
deGraffenried	Harrison		

—25

*Nays:* —0

The Bill:

H. 46. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 46, to-wit:

COMMITTEE AMENDMENT TO H. B. 46

Amend House Bill 46, Section 6, Page 2 by deleting line 25 in its entirety and inserting the following:

“ning of the first day of the second month following its passage”

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Hilliard	Mitchem	Teague
Cook	Holmes	Pearson	Vacca
deGraffenried	Keener		

—25

*Nays:* —0

And said Bill, H. B. 46, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Barron	Callahan	deGraffenried
Bailey	Britnell	Cook	Glass

Goodwin	Keener	Mitchem	Smith
Gulledge	Lemaster	Pearson	Taylor
Hall	Little	Proctor	Teague
Hilliard	Martin	St. John	Vacca
Holmes	McDonald		

—25

*Nays:* —0

The Bill:

H. 50. Relating to Tuscaloosa County; providing an additional expense allowance for the sheriff and an expiration date therefor; and providing further for the sheriff's compensation in the next term of office for sheriff.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Smith
Bailey	Goodwin	Little	Taylor
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Parsons	Vacca
Cook	Harrison	Pearson	Weeks
deGraffenried	Higginbotham	Robertson	White
Figures	Holmes		

—25

*Nays:* —0

The Bill:

H. 92. Relating to Randolph County; to further regulate probate court fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Harrison	Parsons	Weeks
Cook	Higginbotham	Pearson	White
Figures	Keener		

—25

*Nays:* —0

The Bill:

H. 93. To authorize the Randolph County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	White
deGraffenried	Keener		

—25

*Nays:* —0

### REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried (with notice and proof):

S. 93. To amend Section 6 of Act No. 249, S. 291, of the 1947 Regular Session of the Legislature (Local Acts 1947, p. 174) relating to the civil service system for the City of Tuscaloosa so as to provide further for the compensation of the members of the civil service board for said city.

By Rep. Letson (with notice and proof):

H. 108. Relating to Lawrence County; providing that the payment of an expense allowance in the amount of \$100.00 per month being paid by the County Commission to the members of the Board of Education shall be discontinued and thereafter such payment shall be paid from the public school funds.

By Mr. Britnell (with notice and proof):

S. 94. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (with notice and proof):

S. 51. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

By Mr. Cook (with notice and proof):

S. 52. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing

body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

By Mr. Cook (with notice and proof):

S. 54. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Mr. Cook (with notice and proof):

S. 55. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

By Reps. Waggoner, Bennett, Lewis and Cabaniss (with notice and proof):

H. 51. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

By Reps. Waggoner, Gafford, Biddle, Trammel, Olive, Howard, Horn, Moore, Cabaniss and Bennett (with notice and proof):

H. 52. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next terms of office of said officers and the beginning of each term of office of said officers hereafter.

By Reps. Howard, Boles and Lewis (with notice and proof):

H. 53. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the

following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Roberts and Carter (With Substitute):

H. 13. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

The above Bill was read a second time at length as required by the Constitution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Gafford:

H. 62. To require legislative approval for certain actions regarding state government; to provide further for the state merit system; to provide further for the adoption or redefinitions of classifications of state employees; to prohibit actions resulting in declassification or reclassification or non-voluntary transfers between state agencies or other political subdivisions of the state without legislative action in the form of act or resolution; to provide further for state agencies, departments, bureaus, councils, boards, commissions or like governmental units, so as to require legislative action for any merger or abolition of same; and to provide that the provisions of this act shall become null and void on January 18, 1983.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Smith (J):

H. 22. To provide further for estates and the rights of spouses therein; to provide further for descent and distribution in the cases of intestacy; to amend Sections 43-3-1, as amended, and 43-3-10, Code of Alabama 1975, which provide for the descent and distribution of real estate and personalty, respectively, of an intestate, so as to provide further therefor; to repeal Section 43-3-12, Code of Alabama 1975, which relates to the husband's distributive share of his wife's estate.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Ford:

H. 9. To authorize the administration of the Gadsden State Junior College to use any proceeds of bonds issued as authorized by Act No. 138, S. 1, Second Special Session 1978 (Acts 1978, p. 1875), for the purpose of payment or retirement of any outstanding legal indebtedness.

#### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 1. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 1, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 1

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-20-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 17-20-1.

"The state is hereby divided into seven congressional districts as follows:

"(1) The first district will be composed of the counties of Mobile, Washington, Clark, Monroe, Escambia, Baldwin and Wilcox.

"(2) The second district shall be composed of the counties of Montgomery, Bullock, Barbour, Pike, Crenshaw, Butler, Covington, Coffee, Dale, Henry, Houston, Geneva and Conecuh.

"(3) The third district shall be composed of the counties of Calhoun, Talladega, Clay, Randolph, Chambers, Tallapoosa, Coosa, Cleburne, Elmore, Macon, Lee, Russell, and Autauga and Lowndes that part of Lowndes County included in the Benton-Collinsville division (enumeration districts 0477 and 0478) and the Lowndesboro division (enumeration districts 0475 and 0476).

"(4) The fourth district shall be composed of the counties of Franklin, Marion, Lamar, Pickens, Fayette, Walker, Winston, Cullman, Blount, St. Clair, Etowah, Marshall, DeKalb, Cherokee, and Jefferson County precinct 12 as constituted November 1, 1970 all of that part of Franklin County not included in the Red Bay division (enumeration districts 0061T, 0061U, 0062, 0063A, 0063B, 0064A and 0064B), and that part of St. Clair County included in the Ashville division (tract 0404), the Ragland division (tract 0403) and the Springville division (tract 0405).

"(5) The fifth district shall be composed of the counties of Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison, and Jackson and the Franklin County Red Bay division (enumeration districts 0061T, 0061U, 0062, 0063A, 0063B, 0064A and 0064B).

"(6) The sixth district shall be composed of all that part of Jefferson county not included in census tracts 35, 100.01, 100.02, 101, 102, 103.01, 103.02, 104.01, 104.02, 122, 123.01, 123.02, 125, 138.01, 138.02, 139.01, 139.02, 140, 141.02, 141.03, 141.04, 141.05, 142.02, 142.03, 142.04, 143.01, 143.02, 144.02 and 144.03 precincts 1, 2, 4 and 12 as constituted November 1, 1970.



“(7) The seventh district shall be composed of the counties of Choctaw, Marengo, Dallas, Perry, Hale, Sumter, Greene, Tuscaloosa, Bibb, Chilton, and Shelby, that part of Lowndes County not included in the Benton-Collirene division (enumeration districts 0477 and 0478) and the Lowndesboro division (enumeration districts 0475 and 0476, that territory in Jefferson County in precincts 1, 2 and 4 as such precincts were constituted on November 1, 1970; and that ppart of Jefferson County included in census tracts 35, 100.01, 100.02, 101, 102, 103.01, 103.02, 104.01, 104.02, 122, 123.01, 123.02, 125, 138.01, 138.02, 139.01, 139.02, 140, 141.02, 141.03, 141.04, 141.05, 142.02, 142.03, 142.04, 143.01, 143.02, 144.02 and 144.03, and the St. Clair County Moody division (tract 0401) and Pell City division (tract 0402).”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Judiciary then reported the following amendment to the substitute, for the Bill, H. B. 1, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 1

Amend H. B. 1 on page 2, line 10, by deleting the word “Franklin,” and inserting in lieu thereof: Franklin,

On line 13, delete the words underlined.

Delete all of lines 14 and 15 and on line 16 delete the following words and figures “0064A and 0064B,

On line 21 delete the word “and” and insert in lieu thereof the word; and

Also on line 21, delete the words: and the Franklin county

Delete lines 22 and 23 in their entirety.

Which was adopted.

Mr. Hilliard offered the following amendment to the substitute, as amended, for the Bill, H. B. 1, to-wit:

AMENDMENT TO JUDICIARY SUBSTITUTE, AS AMENDED,  
FOR H. B. 1

Amend House substitute for Bill No. 1, Page 1, Line 36, by inserting Lowndes County after the word “and” and by striking lines 6, 7 and 8 on page 2 and renumbering thereof.

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Hall	McDonald	Robertson
Bailey	Hilliard	Miller	St. John
Cook	Holmes	Mitchem	Smith
deGraffenried	Keener	Parsons	Taylor
Denton	Lemaster	Pearson	Vacca
Goodwin	Martin	Proctor	White
Gulledge			

—24

Nay: Mr. Little.

—1

Mr. Parsons offered the following substitute for the Committee substitute, as amended, for the Bill, H. B. 1, to-wit:

SUBSTITUTE FOR THE JUDICIARY SUBSTITUTE  
FOR H. B. 1 AS AMENDED

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-20-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 17-20-1. The state is hereby divided into seven congressional districts as follows:

"(1) The first district will be composed of the counties of Mobile, Washington, Clark, Monroe, Escambia, Baldwin and Wilcox. The first district shall be composed of Alabama state house of representatives districts number one through fifteen inclusive.

"(2) The second district shall be composed of the counties of Montgomery, Bullock, Barbour, Pike, Crenshaw, Butler, Covington, Coffee, Dale, Henry, Houston, Geneva and Conecuh. The second district shall be composed of Alabama state house of representatives districts numbers sixteen through thirty inclusive.

"(3) The third district shall be composed of the counties of Calhoun, Talladega, Clay, Randolph, Chambers, Tallapoosa, Coosa, Cleburne, Elmore, Macon, Lee, Russell and Autauga and Lowndes. The third district shall be composed of Alabama state house of representatives districts numbers thirty-one through forty-five inclusive.

"(4) The fourth district shall be composed of the counties of Franklin, Marion, Lamar, Pickens, Fayette, Walker, Winston, Cullman, Blount, St. Clair, Etowah, Marshall, DeKalb, Cherokee, and Jefferson County precinct 12 as constituted November 1, 1970. The fourth district shall be composed of Alabama state house of representatives districts numbers forty-six through sixty inclusive.

"(5) The fifth district shall be composed of the counties of Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison and Jackson. The fifth district shall be composed of Alabama state house of representatives districts numbers sixty-one through seventy-five inclusive.

"(6) The sixth district shall be composed of all that part of Jefferson County not included in precincts 1, 2, 4 and 12 as constituted November 1, 1970. The sixth district shall be composed of Alabama state house of representatives districts numbers seventy-six through ninety inclusive.

"(7) The seventh district shall be composed of the counties of Choctaw, Marengo, Dallas, Perry, Hale, Sumter, Greene, Tuscaloosa, Bibb, Chilton and Shelby, that territory in Jefferson County in precincts 1, 2 and 4 as such precincts were constituted on November 1, 1970. The seventh district shall be composed of Alabama state house of representatives districts numbers ninety-one through 105 inclusive."

Section 2. The provisions of this act shall become effective immediately upon the redistricting of the house of representatives of the State of Alabama as a result of the changes in population revealed by the 1980 federal decennial census, whether effectuated by act of the legislature, amendment to the Constitution of Alabama or as the result of a proper court order.

On motion of Mr. Proctor, said substitute was laid on the table.

And the Committee substitute, as amended, was then adopted by the Senate.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	Miller	Smith
Callahan	Higginbotham	Mitchem	Taylor
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton			—28

*Nay:* Mr. Hilliard. —1

And said Bill, H. B. 1, as thus amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	Martin	Robertson
Barron	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
Callahan	Higginbotham	Mitchem	Taylor
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton			—28

*Nay:* Mr. Hilliard. —1

Mr. Proctor moved that the Senate reconsider the vote by which the Bill, H. B. 1, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 21. To provide further for the design of tags of vehicles of disabled veterans.

was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Barron	Cook	Denton
Bailey	Britnell	deGraffenried	Goodwin

Gulledge	Keener	Miller	Taylor
Hall	Lemaster	Mitchem	Teague
Harrison	Little	Parsons	Vacca
Higginbotham	Martin	Robertson	Weeks
Holmes	McDonald	Smith	White

—27

*Nays:*

—0

The Bill:

H. 91. Relating to the Cities of Lanett and Valley in Chambers County; authorizing said cities to contract for municipal services.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	McDonald	St. John
Callahan	Hall	Miller	Smith
Cook	Higginbotham	Mitchem	Taylor
Denton	Holmes	Parsons	Vacca
Figures	Keener	Pearson	White
Glass	Kirkland		

—25

*Nays:*

—0

## RECESS

At 12:30 P.M., on motion of Mr. McDonald, the Senate took a recess until 2:00 P.M. this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Owens, Sasser and Pegues.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 77, the title of which is set out in the foregoing Message from the House.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Pearson
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Cook	Higginbotham	McDonald	Taylor
deGraffenried	Holmes	Miller	Weeks
Denton	Keener	Mitchem	White

—27

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Pearson, Proctor and McDonald.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

H. J. R. 16. BUDGET MANAGEMENT ACT LEGISLATIVE REVIEW COMMITTEE CREATED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing interim Budget Management Act Legislative Review Committee. Said committee shall monitor state government to insure that the Budget Management Act (Act 494, 1976 Regular Session, Section 41-19-1 through 41-19-12, Code of Alabama 1975) is complied with and observed. Said committee shall also make recommendations to the Legislature regarding improving the operation of the Budget Management Act. The study committee shall work with the Governor's Office, the Legislative Fiscal Office, and with all department heads who shall cooperate with the committee.

The membership of said committee shall be the same members as those on the committee created to study the tax structure of the state, as found in Act 1178, HJR 430, 1975 Regular Session, and Act 79-752, HJR 250, 1979 Regular Session.

The study committee shall have the authority to employ secretarial assistance and research assistance. Each member of the committee shall receive per diem for each day he attends a meeting of the committee. The committee shall report their findings, recommendations, and suggested legislation to the Legislature by the tenth legislative day of the 1982 Regular Session. The study committee shall be funded from monies appropriated to the use of the Legislature for such purposes.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 16, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

H. J. R. 58. HONORING THE LATE MORSE HAYNES, PROMINENT ALABAMA EDUCATOR.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 58, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 18. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

was taken up.

On motion of Mr. Higginbotham, further consideration of the Bill, S. B. 18, was postponed temporarily.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Gene McLain to the Alabama Educational Television Commission.

On motion of Mr. McDonald, the appointment of Mrs. McLain was confirmed by the Senate.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Higginbotham	Parsons
Bailey	Denton	Holmes	Robertson
Barron	Goodwin	Lemaster	St. John
Britnell	Gulledge	Little	Smith
Callahan	Hall	McDonald	Vacca
Cook	Harrison	Miller	White

—23

*Nays:*

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. John Gittings and Mr. Jim Green to the State Banking Board.

On motion of Mr. Gullledge, the appointment of Mr. Gittings was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson	
Bailey	Hall	McDonald	St. John	
deGraffenried	Higginbotham	Miller	Smith	
Denton	Holmes	Mitchem	Vacca	
Goodwin	Lemaster	Parsons	White	—19

*Nays:* —0

On motion of Mr. Lemaster, the appointment of Mr. Green was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson	
Bailey	Gulledge	Martin	St. John	
Barron	Higginbotham	Miller	Smith	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	White	—21
Denton	Lemaster			

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 1. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Manley, Biddle and Ward.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Holmes	Robertson
Bailey	Hall	Keener	Smith
Barron	Harrison	Little	Teague
Cook	Higginbotham	Martin	Vacca
deGraffenried	Hilliard	Mitchem	White
Goodwin			

—20

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Proctor, deGraffenried and Parsons.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 40. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Mitchem
Bailey	Gulledge	Kirkland	Robertson
Barron	Hall	Lemaster	Smith
Britnell	Harrison	Little	Taylor
Callahan	Higginbotham	Martin	Teague
Cook	Hilliard	Miller	Weeks
Denton	Holmes		

—25

*Nays:*

—0

The Bill:

S. 42. To create the Wildlife Heritage Committee and prescribe its powers, terms of office, and duties; to provide for meetings, per diem and mileage allowances; to provide for a Wildlife fund and the expenditures therefrom.

was taken up.

The Standing Committee on Agriculture, Conservation and Forestry reported the following amendment to the Bill, S. B. 42, to-wit:

## COMMITTEE AMENDMENT NO. 1 TO S. B. 42

Amend Senate Bill No. 42, page 4, line 21, by striking out the words:

"or by the state auditor on an annual basis," and in lieu thereof insert the words:



"but the state auditor shall annually audit such funds and make an accounting of all assets, including land, and report said accounting annually to the legislature."

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Smith
Bailey	Harrison	McDonald	Teague
Callahan	Higginbotham	Miller	Vacca
Denton	Hilliard	Mitchem	Weeks
Goodwin	Kirkland	Robertson	White
Gulledge			—20

*Nays:* —0

The Standing Committee on Agriculture, Conservation and Forestry then reported the following amendment to the Bill, S. B. 42, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. 42, AS AMENDED

Amend Senate Bill No. 42, page 2, line 20, by striking out the words and figures:

"thirty (30)"

and in lieu thereof insert the following:

"ninety (90)"

Which was adopted.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Mitchem
Bailey	Hall	Kirkland	Robertson
Barron	Harrison	Little	Teague
Cook	Higginbotham	Martin	Vacca
Denton	Holmes	Miller	Weeks
Goodwin			—20

*Nays:* —0

The Standing Committee on Agriculture, Conservation and Forestry then reported the following amendment to the Bill, S. B. 42, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 42, AS AMENDED

Amend Senate Bill No. 42, page 2, line 35, by adding the following sentence:

"mileage allowance and per diem expenses incurred by said membership shall be paid from funds appropriated to the Department of Conservation by the legislature."

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Taylor	
Bailey	Hall	Little	Teague	
Barron	Harrison	Martin	Vacca	
Cook	Higginbotham	Miller	Weeks	
Denton	Holmes	Mitchem	White	
Goodwin	Keener	Smith		—22

*Nays:* —0

Mr. Gulledge offered the following amendment to the Bill, S. B. 42, as amended, to-wit:

## AMENDMENT TO S. 42, AS AMENDED

Amend S. 42 as follows:

On page 1, line 23, delete the language "thirteen (13)" and insert in lieu thereof:

fourteen (14)

On page 1, line 24, delete the language "Three (3)" and insert in lieu thereof:

Two (2)

On page 1, line 26, after the language "Natural Resources", insert the following language: and one (1) member who is trained in the field of agriculture shall be appointed by the Governor

On page 1, line 26, after the word "said", insert the following language: aforementioned three (3)

On page 2, line 15, delete the word "and"

On page 2, line 16, after the language "Representatives" insert the following language:

, and the Commissioner of Agriculture and Industries

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Smith	
Barron	Gulledge	Kirkland	Taylor	
Cook	Hall	Martin	Teague	
Denton	Higginbotham	Miller	Vacca	
Figures	Holmes	Mitchem	Weeks	

—19

*Nays:* —0

And said Bill, S. B. 42, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Robertson	
Bailey	Gulledge	Kirkland	Smith	
Barron	Hall	Martin	Taylor	
Cook	Harrison	Miller	Teague	
Denton	Higginbotham	Parsons	Vacca	
Figures	Holmes			—21

*Nays:* —0

The Bill:

H. 10. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Harrison	Martin	Taylor	
Britnell	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
Goodwin	Kirkland	Robertson	Weeks	
Gulledge	Little	Smith	White	
Hall				—20

*Nays:* —0

On motion of Mr. Goodwin, further consideration of the companion Bill, S. B. 84, was indefinitely postponed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 19. To alter or rearrange the boundary lines of the Town of Nectar, Blount County, Alabama, so as to include therein and within the corporate limits of said Town territory not already included therein.

Also:

H. 21. To provide further for the design of tags of vehicles of disabled veterans.

Also:

H. 42. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Thorsby in Chilton County.

Also:

H. 45. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Also:

H. 50 Relating to Tuscaloosa County; providing an additional expense allowance for the sheriff and an expiration date therefor; and providing further for the sheriff's compensation in the next term of office for sheriff.

Also:

H. 91. Relating to the Cities of Lanett and Valley in Chambers County; authorizing said cities to contract for municipal services.

Also:

H. 92. Relating to Randolph County; to further regulate probate court fees.

Also:

H. 93. To authorize the Randolph County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. J. R. 46. COMMENDING VIRGIL J. UPTAIN ON HIS SERVICE AS CLERK OF THE DISTRICT COURT OF MADISON COUNTY.

Also:

H. J. R. 47. HONORING THE 276th ENGINEER COMBAT BATTALION FOR MERITORIOUS SERVICE TO OUR NATION.

Also:

H. J. R. 49. NAMING THE I-10 BRIDGE OVER MOBILE BAY THE "JUBILEE PARKWAY."

Also:

H. J. R. 52. COMMENDING COACH JOSEPH HENDERSON OF ALABAMA A&M UNIVERSITY.

Also:

H. J. R. 55. COMMENDING MR. BILL CASSITY, FORMER ADMINISTRATOR OF THE ALABAMA LIQUEFIED PETROLEUM GAS BOARD.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions the title of which are set out in the foregoing Message from the House.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 38. Relating to the legislative process in enacting certain appropriation acts; (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1982, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the state, for the payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this act prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of this act prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in this act shall be construed as requiring the legislature to make any appropriation not otherwise required by the Constitution to be made, and (f) setting a termination date.

was read a third time at length and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	deGraffenried	Goodwin	Higginbotham
Barron	Denton	Gulledge	Holmes
Callahan	Figures	Hall	Keener
Cook	Glass	Harrison	Kirkland

Little	Mitchem	Teague	Weeks	
Martin	Parsons	Vacca	White	
Miller	Taylor			—25
Nay: Mr. Smith.				—1

The Bill:

S. 17. To propose a constitutional amendment creating a reserve fund to be administered by the state treasurer under the direction of a select committee.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 17, to-wit:

#### COMMITTEE SUBSTITUTE FOR S. B. 17

#### A BILL TO BE ENTITLED AN ACT

To propose a constitutional amendment creating a reserve fund to be invested by the state treasurer with the advice and consent of a select committee.

Be It Enacted by the Legislature of Alabama:

Section 1. An amendment to the Constitution of Alabama is hereby proposed, and shall become valid as a part thereof when adopted and proclaimed as prescribed by law:

#### PROPOSED AMENDMENT

From funds on hand at the time of ratification of this amendment, there is established in the state treasury a reserve fund of \$400,000,000, which fund shall be invested by the state treasurer with the advice and consent of a select committee comprised of the Governor or his designee, the Lieutenant Governor, the State Treasurer, the Speaker of the House of Representatives, seven members of the Alabama Senate appointed by the presiding officer of the Alabama Senate, and seven members of the Alabama House of Representatives appointed by the Speaker of the House of Representatives. Said reserve fund shall be invested by the state treasurer in state or national banks having their principal place of business in Alabama, the deposits of which are insured by Federal Deposit Insurance Corporation. Said deposits shall be secured as may now or hereafter be required by act of the Legislature to the same extent that other state funds are secured and shall earn interest at a figure not exceeding the maximum permitted by applicable federal laws and regulations. In the alternative, said fund or any part thereof may be invested in obligations of the United States Treasury Department or repurchase agreements involving United States Treasury Department obligations.

The state treasurer may, with the advice and consent of the select committee, pledge or authorize to be pledged any portion of the reserve fund corpus, provided, however, that on the last day of each quarter of the State's fiscal year, the state treasurer shall certify to the select committee the condition of the trust fund and, if the reserve fund shall at such time contain cash and investments (including earnings received thereon) aggregating in

market value less than \$400,000,000, all earnings thereon received during the preceding quarter shall be retained in the reserve fund and become a part of the corpus thereof; if the reserve fund shall at such time contain cash and investments (including earnings received thereon) aggregating in market value more than \$400,000,000, the state treasurer shall at that time cover into the state general fund out of the reserve fund funds equal to the excess over \$400,000,000.

The legislature may enact legislation to increase the amount of the corpus of said reserve fund and may appropriate such additional sums to become a part of the corpus of the reserve fund as it sees fit.

Section 2. The Legislature shall appropriate such funds as are necessary for the implementation of this amendment including administrative expenses and the necessary expenses of the committee members in the performance of their duties under the provisions of this amendment.

Section 3. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

On motion of Mr. Callahan, said substitute was laid on the table.

Messrs. Callahan and Little then offered the following substitute for the Bill, S. B. 17, to-wit:

SUBSTITUTE FOR S. B. 17

A BILL  
TO BE ENTITLED  
AN ACT

To propose a constitutional amendment creating a reserve fund to be invested by the state treasurer under the direction of a select committee.

Be It Enacted by the Legislature of Alabama:

Section 1. An amendment to the Constitution of Alabama is hereby proposed, and shall become valid as a part thereof when adopted and proclaimed as prescribed by law:

PROPOSED AMENDMENT

From funds on hand at the time of ratification of this amendment, there is established in the state treasury a reserve fund of \$400,000,000, which fund shall be invested by the state treasurer under the direction of a select committee comprised of the Governor or his designee, the Lieutenant Governor, the State Treasurer, the Speaker of the House of Representatives, seven members of the Alabama Senate appointed by the presiding officer of the

Alabama Senate, and seven members of the Alabama House of Representatives appointed by the Speaker of the House of Representatives. The select committee shall have the authority and power without limitation to provide how the reserve fund shall be invested, and all investments and earnings thereon shall be considered a part of the reserve fund.

The committee may pledge or authorize to be pledged any portion of the reserve fund corpus, provided, however, that on the last day of each quarter of the State's fiscal year, the state treasurer shall certify to the select committee the condition of the trust fund and, if the reserve fund shall at such time contain cash and investments (including earnings received thereon) aggregating in market value less than \$400,000,000, all earnings thereon received during the preceding quarter shall be retained in the reserve fund and become a part of the corpus thereof; if the reserve fund shall at such time contain cash and investments (including earnings received thereon) aggregating in market value more than \$400,000,000, the state treasurer shall at that time cover into the state general fund out of the reserve fund funds equal to the excess over \$400,000,000. The legislature may enact legislation to increase the amount of the corpus of said reserve fund and may appropriate such additional sums to become a part of the corpus of the reserve fund as it sees fit.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 14. To appropriate \$250,000.00 from the state general fund to the state oil and gas board for the fiscal year ending September 30, 1982 for the general operations of the board.

Also:

S. 36. Relating to Marion County; amending Act No. 79-642, H. 940, 1979 Regular Session (Acts 1979, p. 1124), which provides for clerical assistance for the tax assessor and tax collector, so as to increase the number and compensation of said clerical assistance.

Also:

S. 47. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal



Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

Also:

S. 48. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

Also:

S. 49. Relating to Escambia County; amending Sections 1 and 2 of Act No. 205, S. 375, 1969 Regular Session (Acts 1969, p. 524), as amended, relating to pistol permit fees in certain counties classified on a population basis, so as to increase the amount of such fees and provide further for the use thereof.

Also:

S. 56. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

Also:

S. 58. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF S. B. 17

The Senate proceeded to further consideration of the Bill, S. B. 17. The question was on the substitute offered by Messrs. Callahan and Little.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ray, Sasser, Whatley and Grimsley (with notice and proof):

H. 127. To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 127, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 127. To the Committee on Local Legislation No. 1.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gilmer:

H. 83. To propose an amendment to the Constitution of Alabama of 1901, to authorize the establishment of a consolidated and unified system for the assessment and collection of taxes in Lamar County and for the abolition of the offices of tax assessor and tax collector of such county.

Also:

By Rep. Gilmer (with notice and proof):

H. 84. Relating to Lamar County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 84, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 83 and 84. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 83, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 49. To amend Section 7 of Act No. 80-586 (Acts of 1980, p. 913; now appearing in the 1980 Cumulative Supplement to the 1975 Code of Alabama as Section 2-3A-7), enacted at the 1980 Regular Session of the Legislature of Alabama providing for the incorporation of the Alabama Agricultural Development Authority to authorize the Authority to invest its funds in additional kinds of investments.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 49. To the Committee on Agriculture, Conservation and Forestry.

FURTHER CONSIDERATION OF S. B. 17

The Senate proceeded to further consideration of the Bill, S. B. 17. The question was on the substitute offered by Messrs. Callahan and Little.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 69. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax collector, tax assessor and probate judge; and to provide for retroactive effect.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Taylor, the Senate concurred in and adopted the following House amendment to the bill, S. B. 69, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. B. 69

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Wilcox County; to provide an additional clerk hire allowance for the tax collector, tax assessor and probate judge; and to provide for retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Wilcox County is hereby authorized to pay such additional amounts as necessary to make the total clerk hire allowance for the tax collector, tax assessor and probate judge an amount equal to \$650.00 per month each. Such sums shall constitute the total compensation payable to such clerks, in lieu of any and all other allowances, compensation and salary heretofore provided for by law for such clerks.

Section 2. The operation of this act shall be retroactive to May 1, 1981, and all actions taken and payments made pursuant thereto on and after that date are hereby ratified and confirmed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Pearson	
Bailey	Goodwin	Little	Proctor	
Barron	Gulledge	McDonald	St. John	
Britnell	Higginbotham	Miller	Taylor	
Callahan	Hilliard	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Figures	Keener			—25

*Nays:*

—0

## FURTHER CONSIDERATION OF S. B. 17

The Senate proceeded to further consideration of the Bill, S. B. 17. The question was on the substitute offered by Messrs. Callahan and Little.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 50. Relating to the Cities of Lanett and Valley in Chambers County; to authorize a contractual agreement between said cities relating to the distribution of certain taxes on sales by public utilities within the overlapping police jurisdiction of said cities; and to ratify any such prior agreement.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 50, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 50

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Cities of Lanett and Valley in Chambers County; to authorize a contractual agreement between said cities relating to the distribution of certain taxes on sales by public utilities within the overlapping police jurisdiction of said cities; and to ratify any such prior agreement.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cities of Lanett and Valley in Chambers County are hereby authorized and empowered to make a contract to provide for the distribution of the Municipal License Tax, as measured by gross receipts, authorized and levied pursuant to Section 11-51-129 and Section 11-51-91, Code of Alabama, 1975, on public utilities which make sales of utility services within the overlapping police jurisdiction of said cities. Any agreement or contract heretofore entered into by the cities for the distribution of such tax is hereby ratified.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	McDonald	Taylor
Callahan	Hall	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
Denton	Holmes	Pearson	Weeks
Figures	Keener	St. John	White
Glass	Kirkland		

—25

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 1. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE  
HOUSE BILL 1

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning House Bill No. 1 have met in conference and have agreed to accept the attached substitute.

RICHARD MANLEY,  
JACK BIDDLE, III,  
SHELBY WARD,  
House Conferees.

RYAN deGRAFFENRIED,  
MAC PARSON,  
LISTER H. PROCTER,  
Senate Conferees.

August 13, 1981

## CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. NO. 1

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-20-1, Code of Alabama 1975, is hereby amended to read as follows:

"§ 17-20-1.

"The state is hereby divided into seven congressional districts as follows:

"(1) The first district will be composed of the counties of Mobile, Washington, Clark, Monroe, Escambia, Baldwin and Wilcox.

"(2) The second district shall be composed of the counties of Montgomery, Bullock, Barbour, Pike, Crenshaw, Butler, Covington, Coffee, Dale, Henry, Houston, Geneva and Conecuh.

"(3) The third district shall be composed of the counties of Calhoun, Talladega, Clay, Randolph, Chambers, Tallapoosa, Coosa, Cleburne, Elmore, Macon, Lee, Russell and Autauga and Lowndes.

"(4) The fourth district shall be composed of the counties of Franklin, Marion, Lamar, Pickens, Fayette, Walker, Winston, Cullman, Blount, St. Clair, Etowah, Marshall, DeKalb, Cherokee, and Jefferson County precinct 12 as constituted November 1, 1970 and that part of St. Clair County included in the Ashville division (tract 0404), the Ragland division (tract 0403) and the Springville division (tract 0405).

"(5) The fifth district shall be composed of the counties of Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison and Jackson.

"(6) The sixth district shall be composed of all that part of Jefferson County not included in census tracts 35, 100.01, 100.02, 101, 102, 103.01, 103.02, 104.01, 104.02, 122, 123.01, 123.02, 125, 138.01, 138.02, 139.01, 139.02, 140, 141.02, 141.03, 141.04, 141.05, 142.02, 142.03, 142.04, 143.01, 143.02, 144.02 and 144.03 precincts 1, 2, 4 and 12 as constituted November 1, 1970.

"(7) The Seventh district shall be composed of the counties of Choctaw, Marengo, Dallas, Perry, Hale, Sumter, Greene, Tuscaloosa, Bibb, Chilton, and Shelby and Lowndes; that territory in Jefferson County in precincts 1, 2 and 4 as such precincts were constituted on November 1, 1970; and that part of Jefferson County included in census tracts 35, 100.01, 100.02, 101, 102, 103.01, 103.02, 104.01, 104.02, 122, 123.01, 123.02, 125, 138.01, 138.02, 139.01, 139.02, 140, 141.02, 141.03, 141.04, 104.05, 142.02, 142.03, 142.04, 143.01, 143.02, 144.02 and 144.03, and the St. Clair County Moody division (tract 0401) and Pell City division (tract 0402)."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 29; Nays 2.

*Yeas:*

Messrs.:	Glass	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Harrison	McDonald	Teague
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White
Denton	Kirkland		

—29

*Nays:* Messrs.: Figures and Hilliard. —2

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 10. To amend Section 41-9-252 of the Code of Alabama 1975 relating to historical commissions and the composition of certain historical advisory committee so as to change an incorrect reference to a congressional district and to prescribe the manner of maintaining financial records and making reimbursements for expenses.

Also:

H. 38. Relating to the legislative process in enacting certain appropriation acts; (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1982, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the state, for the payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this act prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of this act prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in this act shall be construed a requiring the legislature to make any appropriation not otherwise required by the Constitution to be made, and (f) setting a termination date.

Also:

H. J. R. 58. HONORING THE LATE MORSE HAYNES, PROMINENT ALABAMA EDUCATOR.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF S. B. 17

The Senate proceeded to further consideration of the Bill, S. B. 17. The question was on the substitute offered by Messrs. Callahan and Little.

On motion of Mr. Gullledge, further consideration of the Bill, S. B. 17 and pending Callahan-Little substitute, was postponed temporarily.



BILLS ON THIRD READING RESUMED

The Bill:

S. 89. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	White
Denton	Keener		

—21

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 53. TO CREATE A CONTINUING INTERIM COMMITTEE TO OVERSEE AND MONITOR THE TELEPHONE SYSTEM.

On motion of Mr. Harrison, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 41. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE FEDERAL CONSTITUTION REQUIRING UNITED STATES SUPREME COURT JUSTICES AND ALL FEDERAL JUDGES TO BE ELECTED.

On motion of Mr. Robertson, said Resoulution was then adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

**H. J. R. 54. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. GEORGE WASHINGTON CARVER IN THE STATE CAPITOL OR ON THE CAPITOL GROUNDS.**

The Standing Committee on Rules reported the following substitute for the Resoulution, H. J. R. 54, to-wit:

**COMMITTEE SUBSTITUTE FOR H. J. R. 54****H. J. R. 54. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. GEORGE WASHINGTON CARVER ON THE CAPITOL GROUNDS.**

WHEREAS, Doctor George Washington Carver was a distinguished scientist, agricultural chemist and experimenter who brought great fame and worldwide recognition to the State of Alabama; and

WHEREAS, Dr. Carver came to Alabama and to Tuskegee Institute in 1896, remaining and serving his beloved university until his death in 1943; and

WHEREAS, in his research and experimental efforts for the university, Dr. Carver discovered over 300 by-products of the peanut and more than 150 products of the sweet potato which were only two areas of his agricultural research serving to revolutionize the economy of the South and, indeed, the nation as well; and

WHEREAS, in gratitude for his brilliant contributions to our nation and the world, the Congress of the United States authorized the minting of a half-dollar coin in Dr. Carver's honor; and

WHEREAS, it is fitting that the State of Alabama also pay tribute to an outstanding citizen of our state and that such memorial be appropriately placed so that students, out-of-state visitors and all Alabama citizens may be reminded of the extraordinary place in history held by Dr. George Washington Carver; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Historical Commission is hereby directed to provide for the purchase or moulding of, and the placement on the Capitol grounds, a bust or statue of George Washington Carver with an appropriate inscription thereon.

BE IT FURTHER RESOLVED, That expenses incurred for purchasing and placement of said bust or statue be paid out of funds from private donations, or from any other funds made available for said purpose.

Mr. White moved that further consideration of the Resolution, H. J. R. 54, and pending Committee substitute, be postponed temporarily.

On motion of Mr. Figures, the motion to postpone was laid on the table.

Yeas 17; Nays 5.

Yeas:

Messrs.:	Figures	Keener	Miller
Bailey	Goodwin	Lemaster	Mitchem
Britnell	Hall	Little	Smith
deGraffenried	Hilliard	Martin	Teague
Denton	Holmes		

FIRST EXTRAORDINARY SESSION  
6th Day

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*Nays:* Messrs.: Barron, Glass, Taylor, Vacca and White. —5

Mr. White offered the following amendment to the substitute for the Resolution, H. J. R. 54, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR H. J. R. 54

Amend H. J. R. 54 Page 2 Line 12, by striking out in its entirety line 12.

On motion of Mr. Figures, said amendment was laid on the table.

Yeas 16; Nays 8.

*Yeas:*

Messrs.:	Goodwin	Keener	Miller
Bailey	Hall	Lemaster	Parsons
deGraffenried	Hilliard	Little	Smith
Denton	Holmes	Martin	Teague
Figures			

—16

*Nays:*

Messrs.:	Cook	Robertson	Vacca
Barron	Glass	Taylor	White
Britnell			

—8

Mr. White then offered the following amendment to the substitute for the Resolution, H. J. R. 54, to-wit:

SUBSTITUTE TO RULES COMMITTEE SUBSTITUTE FOR H. J. R. 54

Amend H. J. R. No. 54 Page 1 Line 37, by inserting "requested" after the word hereby, and deleting the word "directed"

On motion of Mr. Figures, said amendment was laid on the table.

Yeas 16; Nays 7.

*Yeas:*

Messrs.:	Figures	Hilliard	Martin
Bailey	Goodwin	Keener	Miller
Britnell	Hall	Lemaster	Parsons
deGraffenried	Harrison	Little	Teague
Denton			

—16

*Nays:*

Messrs.:	Callahan	Glass	Vacca
Barron	Cook	Taylor	White

—7

Mr. White then offered the following amendment to the substitute for the Resolution, H. J. R. 54, to-wit:

WHITE SUBSTITUTE TO RULES COMMITTEE SUBSTITUTE FOR  
H. J. R. 54

Amend H. J. R. Bill No. 54 Page 2 Line 13, by inserting the following after word "purposes".

"Provided however that any funds utilized from sources other than private donations shall be limited to \$1,000.00"

On motion of Mr. Figures, said amendment was laid on the table.

And said substitute for the Resolution, H. J. R. 54, was then adopted by the Senate.

And on motion of Mr. Figures, said Resolution, H. J. R. 54, as thus amended by the substitute, was concurred in and adopted by the Senate.

#### FURTHER CONSIDERATION OF S. B. 17

The Senate proceeded to further consideration of the Bill, S. B. 17. The question was on the substitute offered by Messrs. Callahan and Little.

Mr. Gulledge moved that said substitute be laid on the table, which motion was lost.

Yeas 12; Nays 15.

*Yeas:*

Messrs.:	Hall	Lemaster	Robertson	
Britnell	Harrison	Martin	Smith	
Denton	Holmes	Parsons	Teague	
Gulledge				—12

*Nays:*

Messrs.:	Glass	Kirkland	Taylor	
Bailey	Goodwin	Little	Vacca	
Callahan	Higginbotham	Mitchem	Weeks	
deGraffenried	Keener	St. John	White	—15

And said substitute for the Bill, S. B. 17, was then adopted by the Senate.

Yeas 19; Nays 10.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Parsons	
Bailey	Hall	Little	St. John	
Callahan	Higginbotham	Martin	Taylor	
deGraffenried	Hilliard	Miller	Vacca	
Glass	Keener	Mitchem	White	—19

*Nays:*

Messrs.:	Figures	Holmes	Teague	
Britnell	Gulledge	Lemaster	Weeks	
Denton	Harrison	Smith		—10

And said Bill, S. B. 17, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 1.

Abstaining 1.

*Yeas:*

Messrs.:	Glass	Kirkland	Taylor	
Bailey	Goodwin	Little	Teague	
Barron	Hall	Martin	Vacca	
Callahan	Higginbotham	Miller	Weeks	
Cook	Holmes	Mitchem	White	
deGraffenried	Keener	St. John		—22

*Nay:* Mr. Hilliard. —1

*Abstaining:* Mr. Denton. —1

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 19. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

Also:

S. J. R. 37. REQUESTING THE DEPARTMENT OF REVENUE TO STUDY TAX INCENTIVES TO ENCOURAGE INDIVIDUALS TO CARE FOR DEPENDENT ADULT FAMILY MEMBERS.

Also:

S. 14. To appropriate \$250,000.00 from the state general fund to the state oil and gas board for the fiscal year ending September 30, 1982 for the general operations of the board.

Also:

S. 36. Relating to Marion County; amending Act No. 79-642, H. 940, 1979 Regular Session (Acts 1979, p. 1124), which provides for clerical assistance for the tax assessor and tax collector, so as to increase the number and compensation of said clerical assistance.

Also:

S. 47. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437), as amended, entitled, "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

Also:

S. 48. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435), as amended, entitled, "An Act

Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

Also:

S. 49. Relating to Escambia County; amending Sections 1 and 2 of Act No. 205, S. 375, 1969 Regular Session (Acts 1969, p. 524), as amended, relating to pistol permit fees in certain counties classified on a population basis, so as to increase the amount of such fees and provide further for the use thereof.

Also:

S. 50. Relating to the Cities of Lanett and Valley in Chambers County; to authorize a contractual agreement between said cities relating to the distribution of certain taxes on sales by public utilities within the overlapping police jurisdiction of said cities; and to ratify any such prior agreement.

Also:

S. 56. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

Also:

S. 58. To provide for the distribution of the share of in-lieu-of-taxes payments of Tennessee Valley Authority for Marshall County and the appropriate municipalities therein; to create a Marshall County Jail Advisory Authority and a steering committee therefrom to administer a certain portion of such distribution for the construction of a county jail facility; to prescribe membership, terms, meetings, powers and duties thereunder; to authorize such authority and committee to take reasonable and necessary action to implement the provisions of the Act, including but not limited to, approval of building plans, purchase of land, supplies and equipment, the issuance of bonds or other evidence of indebtedness to finance said jail facility; to exempt any such bonds from all taxation in the state; to require quarterly reports from the steering committee to the authority; and to specifically repeal Act No. 80-318, S. 541 of the 1980 Regular Session (Acts 1980, p. 438) which provides for the share of in-lieu taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Also:

S. 69. Relating to Wilcox County; to provide an additional clerk hire allowance for the tax collector, tax assessor and probate judge; and to provide for retroactive effect.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett and Turner:

H. J. R. 60. REQUESTING A STUDY OF ON-FLOOR TELEPHONE SERVICE.

WHEREAS, it is deemed appropriate that members of both houses stay in as close contact with their constituents as possible, and

WHEREAS, many members make extensive use of the telephone as a means to maintain back-home contact, and

WHEREAS, the location of telephones on the second floor of the State Capitol and their limited numbers frequently keep legislators off the floor when important matters are being voted on, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Legislative Fiscal Office is requested to prepare a report of costs involved in having telephones placed between each pair of desks in both chambers and review what other states are doing as regards on-floor telephone service, and

BE IT FURTHER RESOLVED, that the Legislative Fiscal Office report back on its findings by the third day of the 1982 Regular Session.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 60, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 32. To propose an amendment to the Constitution of Alabama of 1901 (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1982, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive,

legislative and judicial departments of the State, for payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this Amendment prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of the Amendment prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in the Amendment shall be construed as requiring the Legislature to make any appropriation not otherwise required by the Constitution to be made.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 32, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 32

In the title, on page 2, line 3, strike the numbers "1982" and insert in lieu thereof the numbers:

1983

In Section 1, on page 3, line 22, strike the numbers "1982" and insert in lieu thereof the numbers:

1983

In Section 2, on page 4, on line 34, insert after the word "held" the words:  
at the first statewide primary or general election

Yeas 31; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Robertson
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Teague
deGraffenried	Hilliard	Miller	Vacca
Denton	Holmes	Mitchem	Weeks
Glass	Keener	Pearson	White



Nay: Mr. Parsons.

—1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 1. To amend Section 17-20-1, Code of Alabama 1975, relating to the division of the state into congressional districts, so as to redistrict the congressional districts based upon the 1980 census.

Also:

H. J. R. 53. TO CREATE A CONTINUING INTERIM COMMITTEE TO OVERSEE AND MONITOR THE TELEPHONE SYSTEM.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN LOST

At 5 o'clock P.M., Mr. St. John moved that the Senate adjourn until Tuesday, August 18, 1981, at 1 o'clock P.M., which motion was lost.

Yeas 12; Nays 18.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Higginbotham	Parsons	Smith
Barron	Hilliard	Robertson	Weeks
Britnell			

—12

Nays:

Messrs.:	Hall	Martin	Taylor
Cook	Harrison	McDonald	Teague
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Pearson	White
Glass	Little	Proctor	

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RECESS

At 5:05 P. M., on motion of Mr. St. John, the Senate took a recess until 6:30 P. M. this evening.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 32. To propose an amendment to the Constitution of Alabama of 1901 (a) requiring the Governor to transmit to the Legislature, on or before the second legislative day of each regular session held after January 1, 1983, a proposed budget; (b) providing that, until such time as bills making appropriations for the then ensuing fiscal year (or for such other budget period as may at the time be in effect) for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (to the extent that any such item is not otherwise provided for) shall have been signed by the presiding officer of each house in the manner provided in the Constitution, no bill (other than a bill making any part of any of the said appropriations), shall be signed by either the presiding officer of the House or Senate and transmitted to the other house; (c) providing that the provisions of this Amendment prohibiting final passage of certain bills in either house may be made inapplicable by three-fifths vote of the house in which a bill is pending of a resolution declaring the said prohibition inapplicable to the bill specified in such resolution; (d) providing that upon the signing and presentation to the Governor in accordance with Section 66 and 125 of the Constitution of bills making the said appropriations, the provisions of the Amendment prohibiting the final passage of certain bills in either house shall cease to be effective and shall not be revived or become again effective for the then current regular session as a result of the subsequent legislative history of any bill so signed and presented or of a determination that such bill is wholly or in part invalid; and (e) providing that nothing contained in the Amendment shall be construed as requiring the Legislature to make any appropriation not otherwise required by the Constitution to be made.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## RECESS

At 6:35 P. M., on motion of Mr. Pearson, the Senate took a recess until 9:00 o'clock tonight to await the deliberations of the Committee on Conference on the Bill, H. B. 77.

## NIGHT SESSION

## SIXTH LEGISLATIVE DAY

THURSDAY, AUGUST 13, 1981

The Senate re-assembled in the Senate Chamber, Lieutenant Governor McMillan presiding.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	
Glass			

—35

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 70. To amend Section 2, Subsection D, 31, of Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to change the appropriation for the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham.

Also:

S. 38. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 16. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

Also:

S. 28. To limit liability of certain persons and organizations that donate and distribute food free of charge.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 54. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. GEORGE WASHINGTON CARVER ON THE CAPITOL GROUNDS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 46. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carothers and Grimsley:

H. J. R. 62. HONORING MR. JOHN H. GLANTON, SR., DOTHAN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Bailey, the Rules were suspended and the Resolution, H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 44. MOURNING THE DEATH OF FORMER EUFAULA MAYOR EUGENE C. PARKER AND HIS WIFE, MRS. SOLITA PARKER.

Also:

S. J. R. 48. EXPRESSING APPRECIATION TO MR. ROBERT J. POTTER FOR HIS CONTRIBUTION TO THE RE-OPENING OF THE GULF STATE PARK COMPLEX.

Also:

S. J. R. 49. COMMENDING MR. AND MRS. JOHN RAY NELSON AND THE STAFF AND EMPLOYEES OF THE BON SECOUR FISHERIES.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 46. To provide that the State Department of Revenue shall collect all gasoline taxes now or hereafter levied in Marshall County including taxes which may have become due before the effective date of this act and to authorize said department to promulgate rules and regulations to provide for the efficient and orderly collection of said taxes and to require all persons subject to such taxes to pay same over to the Department of Revenue and to provide for the recovery of the cost of collection of such taxes out of the proceeds thereof.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House had concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 41. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE

PURPOSE OF PROPOSING AN AMENDMENT TO THE FEDERAL CONSTITUTION REQUIRING UNITED STATES SUPREME COURT JUSTICES AND ALL FEDERAL JUDGES TO BE ELECTED.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 54. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. GEORGE WASHINGTON CARVER ON THE CAPITOL GROUNDS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Lewis, Howard, Bennett, Boles, Trammell and Nevett (with notice and proof):

H. 98. Relating to Jefferson County; fixing the salary of the deputy probate judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 98, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 98. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House had originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Barton, Ray and Sasser:

H. 81. To amend Act No. 81-665, H. 327, Regular Session 1981, which provides for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semi-trailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm, or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semi-trailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama, 1975, as amended on the storage, use, or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981 for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity so as to increase the fees for the collection of such tax.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 81. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

H. J. R. 65. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Thursday, August 13, 1981, they adjourn to meet again on Tuesday, August 18, 1981.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. St. John, the Rules were suspended and the Resolution, H. J. R. 65, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 45. COMMENDING MR. CRAIG FRANCIS SMALL FOR SERVICE TO THE STATE OF ALABAMA IN HIS CAPACITY AS ADMINISTRATIVE ASSISTANT TO GOVERNOR FOB JAMES.

JOHN W. PEMBERTON,  
Clerk.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 16. BUDGET MANAGEMENT ACT LEGISLATIVE REVIEW COMMITTEE CREATED.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration.

By Rep. Harper (T):

H. J. R. 59 URGING THE OIL COMPANIES DRILLING FOR HYDROCARBON RESOURCES IN THE WATERS OF ALABAMA TO HIRE ALABAMIANS.

WHEREAS, the great State of Alabama has an untold amount of hydrocarbon resources beneath the waters of Mobile Bay and the Gulf of Mexico; and

WHEREAS, the State of Alabama and the oil companies will benefit greatly from the production of these hydrocarbon resources; and

WHEREAS, the State of Alabama has another great resource in its people; and

WHEREAS, the oil companies should be encouraged to hire Alabamians to work in the exploration and production of the hydrocarbon resources; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mobil Oil, Shell Oil, Amoco Oil,



Pogo Producing, Texaco Oil, Phillips Petroleum, Exxon Company USA, Union Oil, and Gulf Oil are requested to hire Alabamians in all available jobs in their search for hydrocarbon resources of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each oil company holding leases with the State of Alabama in Mobile Bay and the Gulf of Mexico.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Waggoner:

H. J. R. 64. MOURNING THE DEATH OF MR. LEROY G. MONSKY, SR.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 16. BUDGET MANAGEMENT ACT LEGISLATIVE REVIEW COMMITTEE CREATED.

Also:

H. J. R. 59. URGING THE OIL COMPANIES DRILLING FOR HYDROCARBON RESOURCES IN THE WATERS OF ALABAMA TO HIRE ALABAMIANS.

Also:

H. J. R. 62. HONORING MR. JOHN H. GLANTON, SR., DOTHAN ALABAMA.

Also:

H. J. R. 64. MOURNING THE DEATH OF MR. LEROY G. MONSKY, SR.

Also:

H. J. R. 65. Relative to Legislative meeting dates: Thursday, August 13, 1981 and Tuesday, August 18, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

said Conference Report being in words and figures as follows:

#### REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 77

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 77, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,

LEIGH PEGUES,

JAMES G. SASSER,

Conferees on the part of the House.

J. RICHMOND PEARSON,

LESTER H. PROCTOR,

ALBERT McDONALD,

Conferees on the part of the Senate.

#### REPORT OF COMMITTEE ON CONFERENCE FOR HOUSE BILL 77

#### A BILL TO BE ENTITLED AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1982 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund Account and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1982 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3:

A. STATE AGENCIES

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program .....	903
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SOURCE OF FUNDS:

(1) ASETF .....	903	
Total Alabama Academy of Honor	903	903

2. Arts and Humanities, Council on the

(a) Fine Arts Program .....	996,250
(b) Alabama Symphony .....	200,000
(c) Alabama Shakespeare Festival	25,000
(d) Jefferson County Committee for Economic Opportunity, Inc.	25,000

(e) Alabama Outdoor Drama . . . .	10,000
(f) Brown Arts Council . . . . .	7,500
(g) Heritage Band . . . . .	10,000

## SOURCE OF FUNDS:

(1) ASETF . . . . .	523,750		
(2) Federal and Local Funds . . . .		<u>750,000</u>	
Total Council on the Arts and Humanities . . . . .	<u>523,750</u>	<u>750,000</u>	<u>1,273,750</u>

3. Debt Service . . . . .	878,000
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(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII . . . . . 218,256

(b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated . . . 45,000

For interest on Auburn University Endowment . . . . . 20,280

For interest on University of Alabama Endowment . . . . . 61,000

For interest on Grove Hill Endowment . . . . . 600

For interest on Public School Fund Endowment:

Interest on 16th Section Lands Estimated . . . . . 410,000

Interest on School Indemnity Lands Estimated . . . . . 90,000

Interest on Valueless 16th Section Lands . . . . . 5,825

Interest on Surplus Revenue . . . . . 26,764

Interest on James Wallace Fund . . . . . 275

Total . . . . . 659,744

## SOURCE OF FUNDS:

(1) ASETF . . . . .	<u>878,000</u>	
Total Debt Service . . . . .	<u>878,000</u>	<u>878,000</u>

4. Dental Scholarship Awards, Board of:

(a) Support of Other Educational Activities Programs . . . . . 228,000

SOURCE OF FUNDS:

(1) ASETF .....	228,000		
Total Board of Dental Scholarship Awards .....	228,000		228,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Education, Department of

(a) Instructional Technical Assistance Program .....			7,543,324
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The proposed spending plan for the above is as follows:

Career Education .....	98,000
Vocational Education ...	651,000
Special Education Administration .....	450,000

SOURCE OF FUNDS:

(1) ASETF .....	1,199,000		
(2) Federal and Local Funds ....		6,344,324	
Total Instructional Technical Assistance Program .....	1,199,000	6,344,324	7,543,324

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963, and shall be expended in accordance with that Act.)

(b) Local Agency Support Program .....			10,559,824
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The proposed spending plan for the above is as follows:

Coordination of In-School Television .....	85,000
Driver Education, School Bus Driver Training and Vehicle Safety Inspection .....	192,000
Free Textbooks .....	7,705,000

In addition to the above appropriation, \$1,500,000 is hereby appropriated for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing .....	500,000
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Plans and Surveys ..... 66,000

## SOURCE OF FUNDS:

(1) ASETF ..... 8,548,000

(2) Federal and Local Funds .... 2,011,824Total Local Agency Support Program ..... 8,548,000    2,011,824    10,559,824

(c) Regulation Program ..... 912,246

Teacher Certification and Accreditation ..... 211,000

## SOURCE OF FUNDS:

(1) ASETF ..... 211,000

(2) Federal and Local Funds .... 701,246Total Regulation Program ..... 211,000    701,246    912,246

(d) Administrative Services Program ..... 10,476,575

The proposed spending plan for the above is as follows:

Compact for Education ... 27,000

Operations and maintenance of Department ..... 2,000,000

Telephone            Network  
Fund ..... 1,116,000

## SOURCE OF FUNDS:

(1) ASETF ..... 3,143,000

(2) Federal and Local Funds .... 7,333,575Total Administrative Services Program ..... 3,143,000    7,333,575    10,476,575

The above appropriation shall include a transfer to the State Personnel Department of \$63,494.

(e) Adult Education Program ... 3,613,923

The proposed spending plan for the above is as follows:

Adult Basic Education .. 950,000

Community Education ... 91,200

## SOURCE OF FUNDS:

(1) ASETF ..... 1,041,200

(2) Federal and Local Funds .... 2,572,723Total Adult Education Program . 1,041,200    2,572,723    3,613,923

(f) Support of State Universities Program ..... 256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds . . . .	<u>256,833</u>	
Total Support of State Universities Program . . . . .	<u>256,833</u>	<u>256,833</u>
(g) Projects-Vocation Rehabilitation/Crippled Children Services Program . . . . .		734,443

SOURCE OF FUNDS:

(1) Federal and Local Funds . . . .	<u>734,443</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program . . . .	<u>734,443</u>	<u>734,443</u>
(h) Disability Determination for Social Security Program . . . . .		9,650,611

SOURCE OF FUNDS:

(1) Federal and Local Funds . . . .	<u>9,650,611</u>	
Total Disability Determination for Social Security Program . . . . .	<u>9,650,611</u>	<u>9,650,611</u>
(i) Support of Other Educational Activities . . . . .		9,300

The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents . . . . . 9,300

SOURCE OF FUNDS:

(1) ASETF . . . . .	<u>9,300</u>	
Total Support of Other Educational Activities . . . . .	<u>9,300</u>	<u>9,300</u>

For reimbursement of every State Institution of Higher Learning, College, University, or Vocational-Technical School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(j) Emergency Medical Services Education Program . . . . .	1,500,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc . 250,000
(2) Birmingham Regional Emergency Medical System . . . . . 250,000

- (3) North Alabama Emergency  
Medical Services, Inc. . 250,000
- (4) Southeast Alabama  
Emergency Medical Services  
System, Inc. .... 250,000
- (5) East Alabama Emergency  
Medical Services, Inc. . 250,000
- (6) Southwest Alabama  
Emergency Medical Services  
Council, Inc. .... 250,000

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,500,000</u>	
Total Emergency Medical Services Education Program .....	<u>1,500,000</u>	<u>1,500,000</u>
(k) Direct Client Services for the Handicapped .....		40,693,054
To be distributed by the State Department of Education as follows:		
Crippled Children Services Program .....	4,300,000	
Hemophilia Program .....	279,000	
Homebound Program .....	2,100,000	
Rehabilitation Services program .	5,785,000	
Handicapped Recreation Program	186,000	

(To provide recreation and services at a year round accredited handicapped recreation facility.)

## SOURCE OF FUNDS:

(1) ASETF .....	12,650,000		
(2) Federal and Local Funds ....		<u>28,043,054</u>	
Total Direct Client Services for the Handicapped .....	<u>12,650,000</u>	<u>28,043,054</u>	<u>40,693,054</u>

- (1) Project to Develop a Financial  
Management Information System .....
- 39,000

## SOURCE OF FUNDS:

(1) ASETF .....	19,000
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(2) Federal and Local Funds . . . .		<u>20,000</u>	
Total Project to Develop a Financial Management Information System . . . . .	<u>19,000</u>	<u>20,000</u>	<u>39,000</u>
TOTAL DEPARTMENT OF EDUCATION:			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	28,320,500		
(2) Federal and Local Funds . . . .		<u>57,668,633</u>	
Grand Total Department of Education . . . . .	<u>28,320,500</u>	<u>57,668,633</u>	<u>85,989,133</u>
6. Employees Insurance, State . .			597,074
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>597,074</u>		
Total State Employees Insurance	<u>597,074</u>		<u>597,074</u>
7. Employees Retirement, State			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	321,668		
(2) ASETF-Auburn Cooperative Extension Service . . . . .	<u>1,307,767</u>		
Total State Employees Retirement	<u>1,629,435</u>		<u>1,629,435</u>
8. Examiners of Public Accounts			
(a) Legislative Support - Audit Service Program . . . . .			1,007,966
For purpose of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>1,007,966</u>		
Total Examiners of Public Accounts . . . . .	<u>1,007,966</u>		<u>1,007,966</u>
9. Fine Arts, Alabama School of			
(a) Fine Arts Program . . . . .			943,000
SOURCE OF FUNDS:			
(1) ASETF . . . . .	855,000		
(2) Federal and Local Funds . . . .		<u>88,000</u>	
Total Alabama School of Fine Arts	<u>855,000</u>	<u>88,000</u>	<u>943,000</u>
10. Firefighters' Personnel Standards and Education Commission, Alabama			

(a) Professional and Occupational Licensing & Regulation Program .....	100,000
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The appropriation to the Alabama Firefighters Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$240.

SOURCE OF FUNDS:

(1) ASETF .....	100,000	
Total Alabama Firefighters' Per- sonnel Standards and Education Commission .....	100,000	100,000

11. Health, Department of Public

(a) Health Support Services Pro- gram .....	395,794
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program .....	791,706
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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF .....	1,187,500	
Total Department of Public Health .....	1,187,500	1,187,500

12. Higher Education, Commis-  
sion on

(a) Planning & Coordination Ser- vices Program .....	824,237
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(b) Alabama Student Assistance Program .....	1,312,781
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(c) Alabama Student Grant Pro- gram .....	3,000,000
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SOURCE OF FUNDS:

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(1) ASETF .....	3,950,000		
(2) Federal and Local Funds ....		<u>1,187,018</u>	
Total Commission on Higher Education .....	<u>3,950,000</u>	<u>1,187,018</u>	<u>5,137,018</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

13. Industrial Development Training Institute, Alabama

(a) Industrial Training Program	1,100,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,100,000</u>	
Total Alabama Industrial Development Training Institute ....	<u>1,100,000</u>	<u>1,100,000</u>

14. State Board of Education - Junior College School System:

(a) Academic Instruction and Institutional Support Program ..	65,468,726
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SOURCE OF FUNDS:

(1) ASETF .....	41,558,994		
(2) Federal and Local Funds ....		9,147,864	
(3) State Funds .....		755,547	
(4) Other Funds .....		9,743,216	
(5) Auxiliary Enterprises .....		<u>4,263,105</u>	
Total Junior College School System .....	<u>41,558,994</u>	<u>23,909,732</u>	<u>65,468,726</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed herein and is to be distributed on the following formula: (A) \$200,000 to each Junior College. (B) The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1980-81 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1980-81 academic year in accordance with the number of quarter hours attempted within the departments. Junior Colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H.

Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George C. Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-15 not more than the sum of \$270,000 may be used by the State Board of Education for administration of the state junior college program.

#### 15. Law Institute, Alabama

(a) Support of Other Educational Activities Programs .....	211,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	211,000	
Total Alabama Law Institute ....	<u>211,000</u>	<u>211,000</u>

#### 16. Legislature

(a) House Operations & Support Program .....	855,000
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(b) Senate Operations & Support Program .....	570,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	1,425,000	
Total Legislature .....	<u>1,425,000</u>	<u>1,425,000</u>

#### 17. Library Service, Public

(a) Public Library Service Program .....	4,009,162
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,779.

#### SOURCE OF FUNDS:

(1) ASETF .....	2,850,000	
(2) Federal and Local Funds ....		<u>1,159,162</u>
Total Public Library Service ....	<u>2,850,000</u>	<u>1,159,162</u> <u>4,009,162</u>

#### 18. Marine Environmental Sciences Consortium

(a) Support of Other Educational Activities Program .....	547,628
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#### SOURCE OF FUNDS:

(1) ASETF .....	400,000	
(2) Federal and Local Funds ....		<u>147,628</u>

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Total Marine Environmental Sciences Consortium .....	400,000	147,628	547,628
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19. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program .....			711,000
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SOURCE OF FUNDS:

(1) ASETF .....	711,000		
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Total Board of Medical Scholarships Awards .....	711,000		711,000
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(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program			465,263,630
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SOURCE OF FUNDS:

(1) ASETF .....	434,087,145		
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(2) Public School Fund .....		26,500,000	
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(3) Local Funds .....		4,676,485	
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Total Minimum Program and Public School Fund .....	434,087,145	31,176,485	465,263,630
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The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amounts necessary to pay for these excess teacher units are hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

For "Board of Adjustment" awards in accordance with the Minimum Program statutes and regulations an amount not to exceed \$150,000.

For "Salaries" the amount shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,289
II	13,392	8,767.21	117,410,476
III	11,276	0	0
IV	9,792	0	0
TOTALS		<u>23,811.00</u>	<u>\$351,436,689</u>

For "Other Current Expenses" an amount shall not exceed \$2,665.68 for each earned teacher unit but the total shall not exceed the sum of \$63,472,506.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$1,544,620.

For "Principal Supplement" an amount not to exceed the total of \$2,381,100.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715.

#### 21. Board of Education

(a) Financial Assistance Program 247,602,782

#### SOURCE OF FUNDS:

(1) ASETF ..... 247,602,782

Total Board of Education ..... 247,602,782 247,602,782

To be distributed by State Board of  
Education for:

(a) Hospital medical insurance As-  
sistance for Professional Staff,  
Support Staff, and Adult School  
Bus Drivers ..... 18,598,968

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of three hundred nine dollars (\$309.00) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus driver, provided that no more \$309.00 shall be appropriated per person.

(b) Teachers Sick Leave 3,500,000

Of the appropriation hereinabove made for Teachers' Sick Leave, the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick  
Leave ..... 1,431,781

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal  
Leave ..... 925,598

The appropriation hereinabove made to Teachers' Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace  
Fees ..... 9,500,000

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred fifty dollars (\$250) per teacher unit for grades K-6 and two hundred fifty dollars (\$250) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance ..... 5,630,287

(g) Continuation of funds previously granted for Special Education ..... 25,048,991

\$1,200,000 shall be allocated for handicapped students in Vocational Education. Of the \$24,048,991 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$350,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children; \$75,000 to the Alice Pigman School; and \$145,000 to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142.

(h) Kindergarten teacher  
units ..... 18,890,768

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$1,872,792
I	15,382	569	8,752,358
II	13,392	397	5,316,624
TOTALS		1080	\$15,941,774

For "Other Current Expenses" an amount not to exceed \$2,665.68 for each earned teacher unit but the total shall not exceed the sum of \$2,878,934.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$70,060.

- (i) Supportive teacher  
Units ..... 29,786,223

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h), and additional units in (k). The above appropriation is for 1703 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
TOTALS		1703	\$25,136,096

For "Other Current Expenses" an amount not to exceed \$2,665.68 for each earned teacher unit but the total shall not exceed the sum of \$4,539,653.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$110,474.

- (j) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 11,369,722

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed of \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	342	5,260,644
II	13,392	239	3,200,688
TOTALS		650	\$9,594,864

For "Other Current Expenses" an amount not to exceed \$2,665.68 for each earned teacher unit but the total shall not exceed the sum of \$1,732,692.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$42,166.

- (k) Special Education 57,641,490

The above appropriation is for 3250 teacher units and includes salaries, other current expenses, and capital improvements and transportation at the following rates:



For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1711	26,318,602
II	13,392	1197	16,030,224
TOTALS		<u>3250</u>	<u>\$47,967,202</u>

For "Other Current Expenses" an amount not to exceed \$2,665.68 for each earned teacher unit but the total shall not exceed the sum of \$8,663,460.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$210,828.

For "Transportation" the total shall not exceed \$800,000.

- (1) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

- (m) Driver Education . 5,832,089

The above appropriation is for 324 driver education units or other teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital improvements at the following rates:

For "Salaries" the sum shall not exceed \$4,947,391. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	50	\$ 821,400
I	15,382	225	3,460,950
II	13,392	49	665,041
TOTALS		<u>324</u>	<u>\$4,947,391</u>

For "Other Current Expenses" an amount not to exceed \$2,665.68 for each earned teacher unit but the total shall not exceed the sum of \$863,680.

For "Capital Improvements" an amount not to exceed \$64.87 for each earned teacher unit but the total shall not exceed the sum of \$21,018.

- (n) Salary increase for lunch-  
room workers formerly  
granted ..... 6,129,600

22. Nursing, Alabama Board of

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 607,000

The appropriation to the Alabama  
Board of Nursing shall include a  
transfer to the State Personnel  
Department of \$527.

SOURCE OF FUNDS:

(1) ASETF - as provided in Act No.  
68, 1977 Special Session, Schol-  
arships for Graduate Nurses .. 57,000

(2) Alabama Board of Nursing  
Trust Fund - as provided in Title  
34, Chapter 21, Code of Alabama  
1975, as amended ..... 550,000

Total Alabama Board of Nursing	57,000	550,000	607,000
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23. Peace Officers Standards and  
Training Commission, Alabama

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 110,025

(b) Certified Law Enforcement  
Academy Programs ..... 199,975

Jacksonville State  
University ..... 38,000

University of Alabama ... 38,000

James H. Faulkner Jr. Col 38,000

Troy St. Univ. Montgomery 38,000

Dept. of Public Safety - Craig  
AFB ..... 47,975

The appropriation to the Alabama  
Peace Officers Standards and  
Training Commission shall in-  
clude a transfer to the State Per-  
sonnel Department of \$96.

SOURCE OF FUNDS:

(1) ASETF ..... 310,000

Total Alabama Peace Officers Standards and Training Com- mission .....	310,000	310,000
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24. Physical Fitness, Commission  
on

(a) Advisory Services Program .. 100,000

The appropriation to the Commis-  
sion on Physical Fitness shall in-  
clude a transfer to the State Per-  
sonnel Department of \$240.

SOURCE OF FUNDS:

(1) ASETF .....	100,000	
Total Commission on Physical Fitness .....	100,000	100,000
25. State Board of Education - Postsecondary Vocational- Technical Education System		
(a) Academic Instruction and Institutional Support Program ..		50,817,266

SOURCE OF FUNDS:

(1) ASETF .....	34,201,713		
(2) ASETF-Capital Outlay-Equipment .....	735,521		
(For awards to individual institutions that wish to expand their vocational training for high technology programs. These awards are to be made by the State Board of Education).			
(3) Federal and Local Funds ....		1,314,867	
(4) State Funds .....		711,425	
(5) Other Funds .....		9,707,464	
(6) Auxilairy Enterprises .....		4,146,276	
Total Postsecondary Vocational- Technical Education System ..	34,937,234	15,880,032	50,817,266

(A) For the operations and maintenance of the Vocational-Technical Schools listed herein, to be distributed in accordance with a formula adopted by the State Board of Education. The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest Alabama Technical College; (16) N. F. Nunnelle State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George C. Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations

contained herein in Section 3-A-26 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

26. Shelton State Community  
College-State Fire College:

(a) Academic Instruction and Institutional Support Program .. 228,559

SOURCE OF FUNDS:

(1) ASETF ..... 228,559

Total Shelton State Community  
College-State Fire College .... 228,559 228,559

27. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated ..... 80,424,668

SOURCE OF FUNDS:

(1) ASETF ..... 80,424,668

Total Social Security (ASETF  
Share) ..... 80,424,668 80,424,668

28. Teachers' Retirement System  
of Alabama

(a) Retirement Systems Program 167,696,985

SOURCE OF FUNDS:

(1) ASETF - Teachers Retirement  
System ..... 154,284,585

(2) ASETF - Teachers Special Pension  
Fund, Estimated ..... 13,412,400

Total Retirement Systems Program  
(State's Share) ..... 167,696,985 167,696,985

In addition to the above appropriation, \$2,463,554 is hereby appropriated to the Teachers' Retirement System to be conditioned on the availability of funds and the approval of the Governor.

29. Tenure Commission, State

(a) Regulation Program ..... 8,000

SOURCE OF FUNDS:

(1) ASETF ..... 8,000

Total State Tenure Commission . 8,000 8,000

30. Television Commission, Education

(a) Educational TV Services Program ..... 3,159,265

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(b) Public Radio Services Program 258,302

**SOURCE OF FUNDS:**

(1) ASETF .....	2,135,000		
(2) Federal and Local Funds ....		<u>1,282,567</u>	
Total Education Television Commission .....	<u>2,135,000</u>	<u>1,282,567</u>	<u>3,417,567</u>

**31. Unemployment Compensation**

**SOURCE OF FUNDS:**

(1) ASETF .....	<u>1,750,000</u>		
Total Unemployment Compensation .....	<u>1,750,000</u>		<u>1,750,000</u>

**32. Veterans' Education Benefits**

(a) Administration of Veterans' Affairs Programs 1,154,250

**SOURCE OF FUNDS:**

(1) ASETF .....	<u>1,154,250</u>		
Total Veterans' Education Benefits .....	<u>1,154,250</u>		<u>1,154,250</u>

The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, Junior College, or Vocational-Technical School in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

**33. Youth Services, Department of**

(a) Youth Services Program 9,885,491

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$17,682.

**SOURCE OF FUNDS:**

(1) ASETF .....	8,204,835		
(2) Federal and Local Funds ....		<u>1,680,656</u>	
Total Department of Youth Services .....	<u>8,204,835</u>	<u>1,680,656</u>	<u>9,885,491</u>

(To be expended in accordance with  
Act No. 816, 1973 Regular Ses-  
sion).

Section 4.

A. Financial Assistance to Non-  
State Educational Agencies

1. Environmental Quality Associ-  
ation, Alabama

(a) Environmental Education Pro- gram .....	162,750
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SOURCE OF FUNDS:

(1) ASETF .....	162,750
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Total Alabama Environmental Quality Association .....	162,750	162,750
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2. Sylacauga Nurses Training  
School

(a) Support of Other Educational Activities Program .....	84,600
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SOURCE OF FUNDS:

(1) ASETF .....	84,600
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Total Sylacauga Nurses Training School .....	84,600	84,600
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Section 5.

COLLEGES, UNIVERSITIES  
AND SCHOOLS

I. Board of Trustees of University  
of Alabama

A. The University

1. Operations and Maintenance .	34,044,400	32,814,276	66,858,676
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2. Research, Extension and Public Service .....	1,971,000	254,834	2,225,834
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3. Emergency Medical Services .	134,000	106,675	240,675
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4. Center for Emotionally Dis- turbed Children .....	507,000	551,152	1,058,152
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5. Nursing Scholarships .....	17,000		17,000
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6. School of Mines .....	1,104,00	1,078,598	2,182,598
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7. Family Practice Center .....	798,000	746,722	1,544,722
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8.A. Alabama Museum of Natural History .....	59,000	53,337	112,337
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B. Maintenance for Moundville St. Park .....	100,000		100,000
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9. College of Community Health Services Medical Education ...	2,318,000	1,463,812	3,781,812
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10. Vocational Teacher Training	362,000	213,349	575,349
11. Cooperative University Upper Division Program-Gadsden ....	206,000	88,895	294,895
12. Rural Infant Stimulation Environment Program .....	133,000	72,116	205,116
13. High Risk Nursery .....	108,00		108,000
14. Safe State Program .....	165,000		165,000
15. Auxiliary Enterprises .....		<u>21,820,871</u>	<u>21,820,871</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	42,026,400		
(2) Other Funds .....		<u>59,264,637</u>	
Total University of Alabama ....	<u>42,026,400</u>	<u>59,264,637</u>	<u>101,291,037</u>

**B. University of Alabama in Birmingham**

1. University College .....	13,851,630	13,917,748	27,769,378
2. School of Public and Allied Health .....	2,430,087	2,200,233	4,630,320
3. Regional Technical Institute ..	2,059,141	448,591	2,507,732
4. Joint Health Sciences .....	2,898,760	1,602,112	4,500,872
5. Student Nurses Loans .....	11,400		11,400
6. Nursing Scholarships .....	83,900		83,900
7. School of Nursing .....	3,437,581	2,670,186	6,107,767
8. Center for Labor Education and Research .....	270,936		270,936
9. Urban Research and Public Service .....	312,174		312,174
10. School of Medicine .....	16,124,859	51,587,998	67,712,857
11. School of Optometry .....	2,145,838	2,050,703	4,196,541
12. School of Dentistry .....	7,293,432	10,445,768	17,739,200
13. System Medical Education Program .....	502,968		502,968
14. Family and Other Primary Care Residency Program .....	1,616,207		1,616,207

The above appropriation shall be expended for residency programs as follows:

Anniston .....	254,461
East End .....	254,461
Jefferson County .....	254,461
Montgomery .....	254,462
Selma .....	343,900

Gadsden .....	254,462		
15. Montgomery Internal Medicine .....	245,240		245,240
16. University Hospital .....	5,955,206	117,426,684	123,381,890
17. School of Engineering and Business .....	190,000		190,000
18. Public Health School .....	190,000		190,000
19. Department of Pediatrics ....	317,321		317,321
20. Health-Related Research and Public Service .....	2,885,058		2,885,058
21. Emergency Medical Training	164,722		164,722
22. Hypertension Research .....	399,570		399,570
23. Multipurpose Arthritis Center	399,570		399,570
24. Medical Genetics Program ..	190,000		190,000
25. Special Mental Health .....		3,222,284	3,222,284
26. Center for Developmental and Learning Disorders .....		544,707	544,707
27. Auxiliary Enterprises .....		7,497,883	7,497,883
SOURCE OF FUNDS:			
(1) ASETF .....	63,975,600		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds .....		<u>209,847,906</u>	
Total University of Alabama in Birmingham .....	<u>63,975,600</u>	<u>213,614,897</u>	<u>277,590,497</u>
C. University of Alabama in Huntsville			
1. Operations and Maintenance .	6,216,639	6,835,058	13,051,697
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research .....	47,500		47,500
4. School of Primary Medical Care	2,753,481	443,955	3,197,436
5. Community Medicine Rural Preceptorship Program .....	28,500		28,500
6. Johnson Environmental and Energy Center .....	273,164	1,632,460	1,905,624
7. Ambulatory Care Center .....	647,684	810,449	1,458,133
8. School of Nursing .....	849,535	298,282	1,147,817
9. Paramedic Training .....	125,315		125,315
10. Alabama Solar Energy Center	272,182		272,182
11. Auxiliary Enterprises .....		<u>1,541,125</u>	<u>1,541,125</u>

SOURCE OF FUNDS:



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(1) ASETF .....	11,232,000		
(2) Other Funds .....		<u>11,561,329</u>	
Total University of Alabama in Huntsville .....	<u>11,232,000</u>	<u>11,561,329</u>	<u>22,793,329</u>
<b>II. Board of Trustees of Alabama A &amp; M University</b>			
<b>A. Alabama A &amp; M University</b>			
1. Operations and Maintenance .	8,830,052	10,354,005	19,184,057
2. Vocational Teacher Training .	249,148		249,148
3. Auxiliary Enterprises .....		<u>3,143,590</u>	<u>3,243,590</u>
<b>SOURCE OF FUNDS:</b>			
(1) ASETF .....	9,079,200		
(2) Other Funds .....		<u>13,497,595</u>	
Total Alabama A & M University	<u>9,079,200</u>	<u>13,497,595</u>	<u>22,576,795</u>
<b>III. Board of Trustees of Alabama State University</b>			
<b>A. Alabama State University</b>			
1. Operations and Maintenance .	7,815,600	4,713,720	12,529,320
2. Auxiliary Enterprises .....		<u>4,033,209</u>	<u>4,033,209</u>
<b>SOURCE OF FUNDS:</b>			
(1) ASETF .....	7,815,600		
(2) Other Funds .....		<u>8,746,929</u>	
Total Alabama State University .	<u>7,815,600</u>	<u>8,746,929</u>	<u>16,562,529</u>
<b>IV. State Board of Education</b>			
<b>A. Athens State College</b>			
1. Operations and Maintenance .	1,508,000	1,023,268	2,531,268
2. Auxiliary Enterprises .....		<u>246,768</u>	<u>246,768</u>
<b>SOURCE OF FUNDS:</b>			
(1) ASETF .....	1,508,000		
(2) Other Funds .....		<u>1,270,036</u>	
Total Athens State College .....	<u>1,508,000</u>	<u>1,270,036</u>	<u>2,778,036</u>
<b>V. Board of Trustees of Auburn University</b>			
<b>A. Auburn University</b>			
1. Operations and Maintenance .	37,333,874	30,986,312	68,320,186
2. School of Nursing .....	403,750		403,750
3. Educational Television .....	357,876		357,876
4. Center for Vocational and Adult Education .....	508,250		508,250

5. Clinical Psychology .....	111,815		111,815
6. Engineering Experiment Station .....	821,251		821,251
7. Public Service, Research and Extension .....	366,814		366,814
8. Energy Research .....	262,010		262,010
9. Food Animal Health & Disease Research .....	190,000		190,000
10. Auxiliary Enterprises .....		<u>22,392,348</u>	<u>22,392,348</u>

## SOURCE OF FUNDS:

(1) ASETF .....	40,355,640		
(2) Other .....		<u>53,378,660</u>	
Total Auburn University .....	<u>40,355,640</u>	<u>53,378,660</u>	<u>93,734,300</u>

## B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>7,768,800</u>	<u>9,403,617</u>	<u>17,172,417</u>
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## SOURCE OF FUNDS:

(1) ASETF .....	7,768,800		
(2) Other .....		<u>9,403,617</u>	
Total Agricultural Experiment Station .....	<u>7,768,800</u>	<u>9,403,617</u>	<u>17,172,417</u>

## C. Cooperative Extension Service

1. Operations and Maintenance .	<u>8,444,313</u>	<u>9,516,553</u>	<u>17,960,866</u>
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## SOURCE OF FUNDS:

(1) ASETF .....	8,444,313		
(2) Other .....		<u>9,516,553</u>	
Total Cooperative Extension Service .....	<u>8,444,313</u>	<u>9,516,553</u>	<u>17,960,866</u>

## D. Auburn University at Montgomery

1. Operations and Maintenance .	5,807,535	4,538,222	10,345,757
2. Montgomery Area Community Health Sciences Institute .....	49,465		49,465
3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	155,325	31,560	186,885
4. School of Nursing .....	258,875	2,922	261,797
5. Auxiliary Enterprises .....		<u>1,271,754</u>	<u>1,271,754</u>

## SOURCE OF FUNDS:

(1) ASETF .....	6,271,200		
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(2) Other .....		<u>5,844,458</u>	
Total Auburn University at Montgomery .....	<u>6,271,200</u>	<u>5,844,458</u>	<u>12,115,658</u>
VI. Board of Trustees of Jacksonville State University			
A. Jacksonville State University			
1. Operations and Maintenance .	11,031,250	4,590,172	15,621,422
2. Cooperative Univ. Upper Division Program - Gadsden .....	460,750	129,158	589,908
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama .....	95,000		95,000
5. Vocational Teacher Training .	95,000		95,000
6. Auxiliary Enterprises .....		<u>1,611,942</u>	<u>1,611,942</u>
SOURCE OF FUNDS:			
(1) ASETF .....	11,700,000		
(2) Other .....		<u>6,331,272</u>	
Total Jacksonville State University .....	<u>11,700,000</u>	<u>6,331,272</u>	<u>18,031,272</u>
VII. Board of Trustees of Livingston State University			
A. Livingston State University			
1. Operations and Maintenance .	3,632,400	1,113,014	4,745,414
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,749,676</u>	<u>1,749,676</u>
SOURCE OF FUNDS:			
(1) ASETF .....	3,650,400		
(2) Other .....		<u>2,862,690</u>	
Total Livingston State University	<u>3,650,400</u>	<u>2,862,690</u>	<u>6,513,090</u>
VIII. Board of Trustees of University of Montevallo			
A. University of Montevallo			
1. Operations and Maintenance .	5,730,728	3,240,820	8,971,548
2. School for Aphasic Children ..	206,172	17,207	223,379
3. Highway Safety Program ....	128,759		128,759
4. Communication Center .....	18,341	68,827	87,168
5. Auxiliary Enterprises .....		<u>2,606,540</u>	<u>2,606,540</u>
SOURCE OF FUNDS:			
(1) ASETF .....	6,084,000		

(2) Other Funds .....		<u>5,933,394</u>	
Total University of Montevallo ..	<u>6,084,000</u>	<u>5,933,394</u>	<u>12,017,394</u>
IX. Board of Trustees of University of North Alabama			
A. University of North Alabama			
1. Operations and Maintenance .	7,423,200	5,258,248	12,681,448
2. Nursing School Scholarships .	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,478,777</u>	<u>1,478,777</u>
SOURCE OF FUNDS:			
(1) ASETF .....	7,441,200		
(2) Other .....		<u>6,737,025</u>	
Total University of North Alabama .....	<u>7,441,200</u>	<u>6,737,025</u>	<u>14,178,225</u>
X. Board of Trustees of South Alabama			
A. University of South Alabama			
1. Operations and Maintenance .	11,462,630	10,130,432	21,593,062
2. Medical Research and Public Service .....	260,549		260,549
(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)			
3. Family Practice Residency Program .....	520,945		520,945
4. College of Medicine .....	8,512,059	8,661,314	17,173,373
5. Medical Center Hospital .....	1,049,366	35,087,760	36,137,126
6. Newborn Growth and Development Program .....	74,101		74,101
7. Division of Allied Health .....	706,351	123,902	830,253
8. School of Nursing .....	650,416	241,903	892,319
9. Nursing Scholarships .....	16,733	5,900	22,633
10. Research, Public Service and Extension .....	85,097	41,301	126,398
11. Paramedic Training Program	129,080	70,801	199,881
12. Basic Medical Sciences .....	253,378		253,378
13. Birth Defect Genetic Center .	182,863		182,863
14. Auxiliary Enterprises .....		<u>4,637,461</u>	<u>4,637,461</u>
SOURCE OF FUNDS:			
(1) ASETF .....	23,903,568		

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(2) Other .....		<u>59,000,774</u>	
Total University of South Alabama	<u>23,903,568</u>	<u>59,000,774</u>	<u>82,904,342</u>

XI. Board of Trustees of Troy State University

1. Operations and Maintenance at Troy .....	6,759,200	4,702,289	11,461,489
2. Operations and Maintenance at Ft. Rucker/Dothan .....	926,250	1,266,724	2,192,974
3. Operations and Maintenance in Montgomery .....	237,500	1,625,065	1,862,565
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	53,200	543,777	596,977
6. School of Nursing-Montgomery	237,500	20,047	257,547
7. Branch Campus at Phenix City	80,750	428,506	509,256
8. Auxiliary Enterprises .....		<u>3,943,007</u>	<u>3,943,007</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,330,400		
(2) Other .....		<u>12,529,415</u>	
Total Troy State University .....	<u>8,330,400</u>	<u>12,529,415</u>	<u>20,859,815</u>

XII. Board of Trustees for Alabama Institute for Deaf and Blind

A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance .	5,200,000	2,267,127	7,467,127
B. Department of Adult Blind and Deaf			
1. Special Technical Facility ....	1,485,840	2,340,572	3,826,412
2. Industries for the Blind .....	487,000	7,432,278	7,919,278

SOURCE OF FUNDS:

(1) ASETF .....	7,172,840		
(2) Other .....		<u>12,039,977</u>	
Total Alabama Institute for Deaf & Blind .....	<u>7,172,840</u>	<u>12,039,977</u>	<u>19,212,817</u>

Section 6.

A. Governor's Education Program	2,000,000
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To the State Department of Education - Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program and Liability Insurance.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>2,000,000</u>	
Total Governor's Education Program .....	<u>2,000,000</u>	<u>2,000,000</u>

## Section 7.

## Conditional Appropriations:

(A) University of Alabama -Alabama Law School Clinical Education .....	120,000
(B) University of Alabama in Birmingham	
1. Medical Genetics Program ...	100,000
2. Diabetic Institute .....	100,000
3. School of Business .....	125,000
4. School of Engineering .....	125,000
(C) University of Alabama -Huntsville .....	100,000
(D) Alabama A & M University	
1. Cooperative Extension Research .....	200,000
(E) Alabama State University ..	100,000
(F) Athens State College .....	100,000
(G) Auburn University	
1. Engineering Experiment Station .....	200,000
2. Agriculture Experiment Station .....	200,000
3. Cooperative Extension Service	200,000
(H) Auburn University, Montgomery .....	100,000
(I) Jacksonville State University	100,000
(J) Livingston State University .	100,000
(K) University of Montevallo ...	100,000
(L) University of North Alabama	100,000
(M) University of South Alabama	100,000
(N) Troy State University .....	100,000
(O) State Board of Education	
1. Junior College School System	100,000
(P) Opportunities Industrialization Centers .....	100,000
(Q) Trenholm State Technical College .....	100,000

The above appropriations in Section 7 are conditioned upon the condition of the Alabama Special Educational Trust Fund and approval of the Governor.

Section 8.

**A. SPECIAL MENTAL HEALTH FUND:**

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$3,222,284 to be expended for Special Mental Health.

(2) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of the University of Alabama for the University of Alabama in Birmingham \$544,707 to be expended for the Center for Developmental and Learning Disorders.

**B. PUBLIC SCHOOL FUND:**

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated twenty-six million five hundred thousand dollars (\$26,500,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-20-A on page 18. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1982, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1982.

Section 9. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 10. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 11. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section,

paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 12. This act shall become effective on October 1, 1981.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 77, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 6.

*Yeas:*

Messrs.:	Gulledge	Miller	St. John
Bailey	Hall	Mitchem	Smith
Barron	Higginbotham	Parsons	Taylor
Britnell	Holmes	Pearson	Teague
Callahan	Little	Proctor	Vacca
deGraffenried	Martin	Robertson	White
Denton	McDonald		

—25

*Nays:*

Messrs.:	Figures	Hilliard	Kirkland
Cook	Harrison	Keener	

—6

### ADJOURNMENT

At 10:35 P. M., on motion of Mr. deGraffenried, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, August 18, 1981, at 1 o'clock P. M.



## SEVENTH LEGISLATIVE DAY

TUESDAY, AUGUST 18, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by Mr. Hiram (Buddy) Bell, Assistant Minister, Landmark Church of Christ, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Teague
Callahan	Higginbotham	Miller	Vacca
Cook	Hilliard	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	
Figures	Kirkland	Proctor	
Glass			

—34

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Taylor for today.

## REPORTS OF COMMITTEES

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Whatley:

H. 49. To amend Section 7 of Act No. 80-586 (Acts of 1980, p. 913; now appearing in the 1980 Cumulative Supplement to the 1975 Code of Alabama as Section 2-3A-7), enacted at the 1980 Regular Session of the Legislature of Alabama providing for the incorporation of the Alabama Agricultural Development Authority to authorize the Authority to invest its funds in additional kinds of investments.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Ray, Sasser, Whatley and Grimsley (with notice and proof):

H. 127. To authorize the Barbour County Commission to compensate the Board of Equalization of Barbour County.

Mr Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lewis, Howard, Bennett, Boles, Trammell and Nevett (with notice and proof)

H. 98. Relating to Jefferson County; fixing the salary of the deputy probate judge.

#### RESOLUTION

Messrs. Parsons and Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. RECOMMENDING THE TEACHING OF CREATIONISM IN THE PUBLIC SCHOOLS OF ALABAMA.

WHEREAS, our children, the most important resource of this state, are currently exposed to the atheistic and agnostic doctrine of evolution, and

WHEREAS, this legislature wishes to preserve the strong moral fiber of this state, and

WHEREAS, the public schools of the State of Alabama will be convening very shortly, and

WHEREAS, time is of essence and unless this resolution is adopted our school children will be exposed for one more year to the repugnant atheistic and agnostic doctrine of evolution, now therefore,

BE IT RESOLVED, that it is the intent of this legislature to urge the State Board of Education, all local boards of education, and the teachers in this state to teach and acknowledge the doctrine of creationism.

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that the doctrine of creationism be incorporated in the formal curriculum of the public schools of this state; and that this resolution, upon its passage, be sent to the State Board of Education and all local boards of education for their immediate action.

Which was read and referred to the Standing Committee on Rules.

Under the provisions of Senate Rule 36, Mr. Parsons requested that the Journal record the names of Messrs. Smith, St. John and Little, as being the members who objected to suspension of the Rules.

#### REPORTS FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Arthur Dunning to the Alabama Educational Television Commission.

On motion of Mr. McDonald, the appointment of Dr. Dunning was confirmed by the Senate.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Teague
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Glass			—24

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. E. B. Odum, Jr. and Mr. W.M. Tonsmeire to the Alabama Real Estate Commission.

On motion of Mr. Higginbotham, the appointment of Mr. Odom was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Keener	Mitchem
Bailey	Denton	Kirkland	Smith
Barron	Glass	Little	Vacca
Britnell	Goodwin	Martin	Weeks
Callahan	Harrison	McDonald	White
Cook	Higginbotham	Miller	—22

*Nays:* —0

On motion of Mr. Gulledge, the appointment of Mr. Tonsmeire was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs..	Glass	Kirkland	Mitchem
Barron	Goodwin	Lemaster	Parsons
Callahan	Gulledge	Little	Pearson
Cook	Hall	Martin	Smith
deGraffenried	Harrison	McDonald	Vacca
Denton	Higginbotham	Miller	Weeks
Figures	Holmes		—25

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Michael B. Sullivan to the Polygraph Examiners Board.

On motion of Mr. Barron, the appointment of Mr. Sullivan was confirmed by the Senate.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Pearson	
Bailey	Goodwin	Lemaster	Proctor	
Barron	Gulledge	Little	Smith	
Britnell	Hall	Martin	Teague	
Cook	Harrison	McDonald	Vacca	
deGraffenried	Higginbotham	Miller	Weeks	
Denton	Holmes	Mitchem	White	
Figures				—28

*Nays:* —0

#### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 51. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the first Special Session 1981 only:

#### BILL NO. PAGE NO. DESCRIPTION

H. 13	31	Co-Employees
H. 22	32	Descent and distribution
S. 22	8	St. Agencies, liability insurance
H. 79	14	Driver Education

Mr. Kirkland offered the following substitute for the Resolution, S. R. 51, to-wit:

#### SUBSTITUTE FOR S. R. 51

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the first Special Session 1981 only:

#### BILL NO. PAGE NO. DESCRIPTION

H. 22	32	Descent and distribution
S. 22	8	St. Agencies, liability insurance
H. 79	14	Driver Education
H. 13	31	Co-employees

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 24; Nays 5.

*Yeas:*

Messrs.:	Figures	Higginbotham	Mitchem
Bailey	Glass	Lemaster	Proctor
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Cook	Hall	McDonald	Vacca
deGraffenried	Harrison	Miller	Weeks
Denton			

—24

*Nays:* Messrs.: Hilliard, Holmes, Keener, Kirkland and Teague. —5

And on motion of Mr. McDonald, said Resolution, S. R. 51, was then adopted by the Senate.

### LOCAL BILLS ON THIRD READING

The Bill:

S. 93. To amend Section 6 or Act No. 249, S. 291, of the 1947 Regular Session of the Legislature (Local Acts 1947, p. 174) relating to the civil service system for the City of Tuscaloosa so as to provide further for the compensation of the members of the civil service board for said city.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Miller	St. John
Bailey	Hall	Mitchem	Smith
Barron	Hilliard	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
deGraffenried	Little	Robertson	White
Glass	Martin		

—25

*Nays:* —0

The Bill:

H. 108. Relating to Lawrence County; providing that the payment of an expense allowance in the amount of \$100.00 per month being paid by the County Commission to the members of the Board of Education shall be discontinued and thereafter such payment shall be paid from the public school funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Callahan	Glass	Keener
Bailey	Cook	Hall	Little
Barron	Denton	Hilliard	Martin
Britnell	Figures	Holmes	Miller

Mitchem	Proctor	Teague	Weeks	
Parsons	St. John	Vacca	White	
Pearson	Smith			—25
Nays:				—0

The Bill:

S. 94. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	McDonald	St. John	
Bailey	Hilliard	Miller	Smith	
Britnell	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
Denton	Kirkland	Pearson	Weeks	
Glass	Little	Proctor	White	
Goodwin	Martin			—25
Nays:				—0

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 38. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Also:

S. 70. To amend Section 2, Subsection D, 31, of Act No. 81-859, H. 630 of the 1981 Regular Session, which Act makes appropriations from various funds of the State for the ordinary expenses of the Executive, Legislative, and Judicial functions of government for the fiscal year ending September 30, 1982, so as to change the appropriation for the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama to the Center for Basic Sciences Reward for Cystic Fibrosis at the University of Alabama in Birmingham.

Also:

S. 16. To amend Section 40-14-70, Code of Alabama 1975, relating to assessment and collection of corporate shares of stock, so as to alter the method of assessment.

Also:

S. 28. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 41. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO CONVENE A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF PROPOSING AN AMENDMENT TO THE FEDERAL CONSTITUTION REQUIRING UNITED STATES SUPREME COURT JUSTICES AND ALL FEDERAL JUDGES TO BE ELECTED.

Also:

S. J. R. 44. MOURNING THE DEATH OF FORMER EUFAULA MAYOR EUGENE C. PARKER AND HIS WIFE, MRS. SOLITA PARKER.

Also:

S. J. R. 45. COMMENDING MR. CRAIG FRANCIS SMALL FOR SERVICE TO THE STATE OF ALABAMA IN HIS CAPACITY AS ADMINISTRATIVE ASSISTANT TO GOVERNOR FOB JAMES.

Also:

S. J. R. 48. EXPRESSING APPRECIATION TO MR. ROBERT J. POTTER FOR HIS CONTRIBUTION TO THE RE-OPENING OF THE GULF STATE PARK COMPLEX.

Also:

S. J. R. 49. COMMENDING MR. AND MRS. JOHN RAY NELSON AND THE STAFF AND EMPLOYEES OF THE BON SECOUR FISHERIES.

ALBERT McDONALD,  
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 13. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workman's compensation laws against co-employees; and defining co-employees.

The Standing Committee on Business and Labor Relations reported the following substitute for the Bill, H. B. 13, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 13

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The following legislative history of this act is provided:

By the decision of the Alabama Supreme Court, in the case of Grantham V. Denke and other cases, the Alabama Supreme Court, permitted personal injury actions against fellow employees or co-employees for personal injury arising out of and in the course of employment. It is the purpose of this bill to overrule those decisions and to forbid further and future actions by employees or their personal representatives or dependents against co-employees.

Section 2. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

## PROPOSED AMENDMENT

Legal action by an employee or an employee's representative or dependent covered under the Workmen's Compensation Laws of this state against a co-employee of the same employer for personal injury, disease or death arising out of and in the course of employment is prohibited. A co-employee is defined to include an officer, director, agent, servant, employee of the same employer, the personal representative of such person, the union or union agent representing such diseased injured or killed person, any workmen's compensation insurance carrier or the employer, and self-insured workmen's compensation fund, and any officer, director, agent, servant or employee of such carrier or self-insured workmen's compensation fund, and in addition a person or persons making safety inspections for the benefit of the employer or its employees.

Section 3. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama, 1975.



Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the date appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the Courthouse and in three other places in the county.

Which was adopted.

Yeas 26; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Higginbotham	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Denton	Kirkland	Proctor	White
Glass	Little	Robertson	—26
<i>Nay:</i> Mr. Hilliard. —1			

#### RESOLUTION

Messrs. Cook, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 52. EXTENDING CONDOLENCES TO THE ASSISTANT SECRETARY OF THE SENATE ON THE OCCASION OF HIS THIRTIETH BIRTHDAY.

Which was adopted.

#### FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13, as amended by the substitute.

Mr. Hall offered the following amendment to the Bill, H. B. 13, as amended, to-wit:

#### AMENDMENT TO H. B. 13, AS AMENDED

In section 2 on page 2, on line 31, delete the following:

any workmen's compensation insurance carrier of the employer, any self-insured workmen's compensation fund, and any officer, director, agent, servant or employee of such carrier or self-insured workmen's compensation fund,

On motion of Mr. Higginbotham, said amendment was laid on the table.

Yeas 19; Nays 12.

*Yeas:*

Messrs.:	Barron	Cook	Goodwin
Bailey	Callahan	deGraffenried	Gulledge

Higginbotham	McDonald	Proctor	Vacca	
Holmes	Miller	St. John	Weeks	
Martin	Mitchem	Smith	White	

—19

*Nays:*

Messrs.:	Hall	Keener	Pearson	
Britnell	Harrison	Kirkland	Robertson	
Denton	Hilliard	Little	Teague	
Figures				

—12

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
SPECIAL TERM, 1981

Members of the Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

We are in receipt of Senate Resolution No. 42 requesting an advisory opinion of the Supreme Court relating to the following:

Does the House substitution providing for the budgetary process, the making of appropriations and time frame therefor by statute to pending House Bill 38 which proposed a constitutional amendment for the budgetary process, the making of appropriations and time frame therefor violate the provisions of Section 61 of the Constitution of 1901, which provides:

"No law shall be passed by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose."

We note that since the request for our opinion was made, House Bill 38 has become law and is, therefore, no longer a pending bill. Therefore, we are without authority to respond to this request. Opinion of the Justices, 286 Ala. 156, 238 So. 2d 326 (1970); Opinion of the Justices, 294 Ala. 582, 319 So. 2d 709 (1975).

Respectfully submitted,  
C. C. TORBERT, JR.,  
Chief Justice.

HUGH MADDOX,  
JAMES H. FAULKNER,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
T. ERIC EMBRY,  
SAM A. BEATTY,  
OSCAR W. ADAMS, JR.,  
Associate Justices.

Which was read and ordered spread upon the Journal.

FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13, as amended by the substitute.

Mr. Little offered the following amendment to the Bill, H. B. 13, as amended, to-wit:

AMENDMENT TO H. B. 13, AS AMENDED

Amend H. B. 13, by inserting the following sentence following line 36 on page 2. Said sentence to read as follows:

Notwithstanding this amendment, nothing herein prohibits an employee from bringing suit against his employer as presently provided for by the workmen's compensation laws of the state of Alabama.

On motion of Mr. Higginbotham, said amendment was laid on the table.

Yeas 21; Nays 6.

*Yeas:*

Messrs.:	Gulledge	Miller	St. John
Bailey	Higginbotham	Mitchem	Smith
Barron	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
deGraffenried	Lemaster	Robertson	White.
Goodwin	Martin		

—21

*Nays:*

Messrs.	Hall	Kirkland	Teague
Denton	Harrison	Little	

—6

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 108. Relating to Lawrence County; providing that the payment of an expense allowance in the amount of \$100.00 per month being paid by the County Commission to the members of the Board of Education shall be discontinued and thereafter such payment shall be paid from the public school funds.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13, as amended by the substitute.

Mr. McDonald offered the following amendment to the Bill, H. B. 13, as amended, to-wit:

### AMENDMENT TO H. B. 13, AS AMENDED

On page 2, line 37, delete all the language and insert in lieu thereof:

Section 3. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

On page 3, delete all the language of lines 5 through 10.

Which was adopted.

Yeas 23; Nays 4.

Yeas:

Messrs.:	Goodwin	Lemaster	Pearson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Higginbotham	McDonald	Vacca
deGraffenried	Hilliard	Miller	Weeks
Denton	Holmes	Mitchem	White

—23

Nays: Messrs.: Callahan, Keener, Parsons and Teague.

—4

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 59. Relating to the City of Scottsboro, Jackson County, Alabama; providing for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be elected as herein provided; and providing for the election of such school board if approved in the referendum.

Also:

S. 78. To authorize the governing body of Macon County to impose a county license tax or fee on persons for the privilege of engaging in or following certain trades, occupations, or professions in such county, provided the levy is first approved at a referendum election held for such purpose; providing for the levy and collection of such licenses, for the enforcement thereof, and for the administration of this Act.

JOHN W. PEMBERTON,  
Clerk.

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
SPECIAL TERM, 1981

To the Members of the Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

In Senate Resolution 29<sup>1</sup> you requested our opinion regarding "S. B. 87 of the 1981 First Special Session,"<sup>2</sup> which pertains to the creation, appointment, qualifications, powers, duties, compensation and appropriation for three proposed new judicial offices in the Tenth Judicial Circuit. The questions asked are as follows:

"1. Does Section 1 of this bill contravene Amendment 83 of the Constitution of 1901?"

"2. Does Section 2 of this bill contravene Amendment 83 of the Constitution of 1901?"

"3. Does Section 1 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?"

"4. Does Section 2 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?"

Since the passage of Act No. 43, Acts of Alabama, Regular Session 1923 (now codified at § 12-2-10, Code of Alabama 1975), the individual Justices, within permissible limits, have been privileged under the law to give advisory opinions on important constitutional questions then pending in the Legislature; and, in the spirit of harmony and cooperation, a majority of the individual Justices have frequently exercised this privilege. However, this procedure is not without difficulty in that the opportunity is not generally available for opposing views to present their respective positions, nor are pertinent facts presented as is usual in the adversary nature of our judicial system. The Supreme Court's primary function is one of appellate review, exercised in the context of adversary proceedings. The very nature of our judicial process mandates that decisions be rendered only after all sides have presented their respective views, together with appropriate legal precedent and authority supporting such views. When the constitutionality of statutes are so tested, the end result is of binding force and effect; whereas the opinion of the individual Justices, promulgated under § 12-2-10, Code of Alabama 1975, are not so binding under this law. Opinion of the Justices, 254 Ala. 177, 47 So. 2d 655 (1950); Opinion of the Justices, 291 Ala. 581, 285 So. 2d 87 (1973); and Opinion of the Justices, 294 Ala. 589, 319 So. 2d 715 (1975). Thus, opinions of the Justices are merely advisory—consultative only. Opinion of the Justices, 209 Ala. 593, 96 So. 487 (1923).

Although pending legislation, involving important constitutional issues, falls within the purview of this statutory prerogative, expressions of opinions, hastily and abstractly considered, may well pose a greater danger of confusion and uncertainty than the exercise of judicial restraint in declining to respond to the questions submitted. The issues presented by Senate Resolution 29 relating to S. B. 87 of the 1981 First Special Session has been submitted to the Justices of this Court without the benefit of the expression of opposing views by way of written briefs or oral presentation. In our study of the questions posed in Senate Resolution 29, we have noted that the Legislature has created a number of additional circuit judgeships since the ratification of Amendment 328 of the Constitution of 1901 providing for the initial selection of the person to fill the newly created judgeship either by authorizing appointment by the governor, or in some instances providing that the judgeship be filled by election at the next general election. In one such instance, Act No. 79-692 creating the office of circuit judgeship number twenty of the Tenth Judicial Circuit of Alabama, the Legislature provided that the first judge be appointed in the manner provided by Amendments 83 and 110 to the Constitution of Alabama. Thus, the Legislature has authorized additional judgeships, and has further provided for the filling of such judgeships by several different methods. Pending S. B. 87 proposes to establish even another method of initially filling the newly created judgeship. To date, our research has revealed no decided cases by the Supreme Court since the adoption of Amendment 328 which could serve as a precedent or authority to express our opinion with respect to the questions posed by Senate Resolution 29.

Respectfully and regretfully, we are compelled to decline to answer the questions here submitted. Because of the complexity of the constitutional issues, the absence of any clear apparent authority readily discernible from a plain reading of the pertinent language of the present State Constitution and statutes, and the serious legal and political implications here involved, our considered judgments constrain us to await the appropriate adversary context of a more deliberative litigated proceeding in which to address and postulate a definitive response to these issues.

Respectfully submitted,  
C. C. TORBERT, JR.,  
Chief Justice.  
HUGH MADDOX,  
JAMES H. FAULKNER,  
RICHARD L. JONES,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
T. ERIC EMBRY,  
SAM A. BEATTY,  
OSCAR W. ADAMS, JR.,  
Associate Justices.

#### FOOTNOTES

<sup>1</sup>Set out in appendix A.

<sup>2</sup>Set out in appendix B.

APPENDIX A

S. R. 29. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO PENDING S. B. 87 OF THE 1981 FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we do respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions of the important constitutional questions which have arisen concerning the pending S. B. 87 of the 1981 First Special Session, which bill pertains, inter alia, to creating three new judgeships in the Tenth Judicial Circuit, providing for their appointment, qualifications, powers, duties and compensation and benefits. Copies of said bill are attached hereto and made a part hereof by reference.

1. Does Section 1 of this bill contravene Amendment 83 of the Constitution of 1901?
2. Does Section 2 of this bill contravene Amendment 83 of the Constitution of 1901?
3. Does Section 1 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?
4. Does Section 2 of this bill violate the provisions of Amendment 328, Section 6.14 of the Constitution?
5. Does Section 2 propose a local law within the meaning of Article 4, Section 106 of the Constitution?
6. Does Section 6 propose a local law within the meaning of Article 4, Section 106 of the Constitution?
7. Does the provisions of this bill violate the provisions of Article 4, Section 110?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient copies of the pending S. B. 87 with attachments to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

APPENDIX B

A BILL  
TO BE ENTITLED  
AN ACT

S. B. 87. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to prescribe definitions and legislative intent; to provide for the appointment of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to amend Section 12-17-20 of the Code of Alabama 1975; to make an appropriation to the unified judicial system from the general fund of the state treasury for the fiscal years ending September 30, 1981 and September 30, 1982; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this act; and to provide that the provisions of the act are non-severable.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of the legislature that the three judgeships created by this act are not vacancies and, therefore, not subject to the provisions of Amendment 83 to the Constitution of 1901. As used in this act the word "created" shall mean to bring into being; to cause to exist and the word "vacancy" shall mean an office existing prior to the provisions of this act which office is unoccupied.

Section 2. There are hereby created the offices of circuit judgeships Nos. 21, 22, and 23 of the Tenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said circuit now existing. The first judges of said additional circuit judgeships Nos. 21, 22 and 23 shall be appointed by the Governor and shall hold office until their successors have been elected and qualified as provided by law. The judges of said circuit judgeships Nos. 21, 22 and 23 shall be appointed for the same terms of office as other circuit judges are elected in the state as provided by Section 6.14 of Amendment 328.

Section 3. The judges of said circuit judgeships Nos. 21, 22, and 23 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all of the qualifications, perform all the duties, and be subject to all the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to, and shall sit in that division of said circuit to which the circuit judges numbers 1 through 4, 6 through 11, 13 through 18 and 20, sit and perform the same duties in said division as performed by the other judges of the division, subject to assignment by the presiding judge of the circuit.

Section 4. The additional circuit judges appointed pursuant to the provisions of this act shall receive the same salary, and supplements payable in the same manner, as other circuit court judges in the Tenth Judicial Circuit.

Section 5. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1 shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit.

"(3) There shall be three circuit judges in the fifth judicial circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 20 23 circuit judges in the tenth judicial circuit

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.



"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirty-third judicial circuit.

"(29) There shall be two circuit judges in the thirty-seventh judicial circuit.

"(30) There shall be two circuit judges in the thirty-eighth judicial circuit."

Section 6. The provisions of Section 5 of this act shall be effective upon the filling of the three new judgeships in the Tenth Judicial Circuit by the Governor.

Section 7. There is hereby appropriated to the unified judicial system from the general fund, the sum of fifty thousand dollars for the fiscal year

1980-81 and the sum of two hundred and thirty-five thousand dollars for the fiscal year beginning October 1, 1981, for the support and maintenance of the additional circuit judgeships herein created. These sums shall be in addition to any and all appropriations hereinbefore or herewith made.

Section 6. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act, are hereby repealed.

Section 7. The provisions of this act are inseparable and non-severable and that if any section, clause or provision herein shall be declared unconstitutional or invalid, the entire act shall be null and void ab initio.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was read and ordered spread upon the Journal.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 6. To further amend Section 41-9-3 of the Code of Alabama 1975, relating to the Alabama State Council on the Arts and Humanities, so as to bring the employees of such Council under the provisions of the Merit System.

Also:

S. 25. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments for local improvements to property, so as to adjust interest rates with respect to the payment of said municipal improvement assessments, and to provide an effective date.

Also:

S. 41. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 81. To amend Act No. 81-258, Acts of Alabama, Regular Session 1981, so as to repeal Section 2 of the Act which provides that sums collected in excess of the rate of interest provided by statute shall be deposited in the general fund.

JOHN W. PEMBERTON,  
Clerk.

FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13, as amended.

RESOLUTION

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 53. COMMENDING DOUG RICHARDSON AND RANDALL GILES FOR OUTSTANDING HEROISM.

Which was adopted.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 6. To further amend Section 41-9-3 of the Code of Alabama 1975, relating to the Alabama State Council on the Arts and Humanities, so as to bring the employees of such Council under the provisions of the Merit System.

Also:

S. 25. To amend Section 11-48-48, Code of Alabama 1975, which provides for the payment of municipal assessments for local improvements to property, so as to adjust interest rates with respect to the payment of said municipal improvement assessments, and to provide an effective date.

Also:

S. 41. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

Also:

S. 59. Relating to the City of Scottsboro, Jackson County, Alabama; providing for an advisory referendum for the qualified electors to express whether the members of the city board of education shall be elected as herein provided; and providing for the election of such school board if approved in the referendum.

Also:

S. 78. To authorize the governing body of Macon County to impose a county license tax or fee on persons for the privilege of engaging in or following certain trades, occupations, or professions in such county, provided the levy is first approved at a referendum election held for such purpose; providing for the levy and collection of such licenses, for the enforcement thereof, and for the administration of this Act.

Also:

S. 81. To amend Act No. 81-258, Acts of Alabama, Regular Session 1981, so as to repeal Section 2 of the Act which provides that sums collected in

excess of the rate of interest provided by statute shall be deposited in the general fund.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13, as amended.

And said Bill, H. B. 13, as amended, was read a third time at length as required by the Constitution, and passed.

Yeas 27; Nays 4; Abstaining 1.

*Yeas:*

Messrs.:	Denton	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White

—27

*Nays:* Figures, Harrison, Hilliard and Kirkland.

—4

*Abstaining:* Mr. Pearson.

—1

Mr. Goodwin moved that the Senate reconsider the vote by which the Bill, H. B. 13, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### RESOLUTION

Messrs. Bailey and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. HONORING MR. HERMAN T. CULPEPPER UPON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF WIREGRASS MENTAL HEALTH CENTER, DOTHAN, ALABAMA.

WHEREAS, the Alabama Legislature has noted the announced retirement, effective August 31, 1981, of Mr. Herman T. Culpepper as Executive Director of Wiregrass Mental Health Center, Dothan, Alabama, in which capacity he has served since 1972; and

WHEREAS, a native of Abbeville in Henry County, Mr. Culpepper first attended Troy State University, earned a Bachelor's Degree from Auburn University and his Master's Degree, in Counseling and Guidance, from the University of Alabama; and

WHEREAS, from 1960 until 1970, he was associated with the State of Alabama Rehabilitation Program and from 1970 to 1972 served with statewide responsibility as State Director of programs for the mentally ill, and in liaison capacity with the State Department of Mental Health; and

WHEREAS, since moving to Dothan in 1962, Mr. Culpepper has been actively involved in promoting programs in the area of mental health, working with state agencies, and has also served as a member of the Alabama Council of Mental Health, Mental Retardation and Disability, and as a member of the Health Systems Agency, serving on that review committee; and

WHEREAS, he further has served on the Southeast Alabama Youth Services Board and is a member of the Dothan-Houston County ARC, the Board of Charter Woods Hospital and the Board of Trustees for The Haven; he is a faithful and active member of the Calvary Baptist Church and has also been actively involved with the Red Cross program in his area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Herman T. Culpepper on his long and outstanding career and on his deep involvement in civic and community affairs.

BE IT FURTHER RESOLVED, That Mr. Culpepper be presented with a copy of this resolution, tendered in gratitude and in token of our sincere praise and esteem.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 82. REPEALING ACT NO. 81-255, H. J. R. 213, 1981 REGULAR SESSION, ENTITLED, "HOUSE JOINT RESOLUTION REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 81-255, H. J. R. 213, 1981 Regular Session, entitled, "House Joint Resolution requesting the Alabama Department of Public Health to suspend enforcement and delay the implementation of the Department's new regulations concerning onsite sewage disposal systems," is hereby repealed.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 82, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 43. To amend section 3 of Act 81-700 to exempt leases of public lands belonging to the state in amounts not exceeding \$2,000 from advertising and appraisal.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 43, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. B. 43

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 81-700, 1981 Regular Session, which act relates to certain procedures governing the sale or lease of certain public lands.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-700 of the 1981 Regular Session is hereby expressly repealed in its entirety and shall have no further force or effect of law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Higginbotham	McDonald	Teague
deGraffenried	Hilliard	Miller	Weeks
Denton	Holmes	Mitchem	White
Figures	Keener		

—29

*Nays:*

—0

## BILLS ON THIRD READING RESUMED

The Bill:

H. 22. To provide further for estates and the rights of spouses therein; to provide further for descent and distribution in the cases of intestacy; to amend Section 43-3-1, as amended, and 43-3-10, Code of Alabama 1975, which provide for the descent and distribution of real estate and personalty,

respectively, of an intestate, so as to provide further therefor; to repeal Section 43-3-12, Code of Alabama 1975, which relates to the husband's distributive share of his wife's estate.

was a third time at length and passed.

Yeas 31; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	Robertson
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Glass	Kirkland	Pearson	White

—31

*Nays:*

—0

#### RESOLUTION

Messrs. Bailey and Miller offered the following Senate Resolution, to-wit:

S. R. 55. CONGRATULATING AND COMMENDING MISS SHEILA HALL OF DOTHAN, ALABAMA, ON HER FIRST PLACE AWARD AT THE NATIONAL DECA CONFERENCE.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 77, without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 18th day of August, 1981.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 77 without my signature and approval and with the following suggested Executive Amendments.

Amend House Bill 77 on page 20 after line 29 by inserting the following:

"In addition, there is hereby appropriated, conditioned on the availability of funds and the approval of the governor, the sum of sixty-one dollars and eighty cents (\$61.80) per annum, per teacher, administrative supervisory unit, full-time support employee, and adult school bus driver, provided that no more than \$61.80 shall be appropriated per person for a total of \$3,720,298."

Amend House Bill 77 on page 35, subsection 5-I-A-10, line 18 in the subsection entitled "Board of Trustees University of Alabama" by striking it in its entirety and renumbering the subsequent line items accordingly.

Further amend on page 35, section 5-I-A-6, line 12 by striking the figures "\$1,104,000" and "\$2,182,598" and inserting in lieu thereof the following: "\$1,466,000" and "\$2,544,598" respectively.

Further amend House Bill 77 on page 34, subsection 5-I-A-1, line 30 in the subsection entitled "Board of Trustees University of Alabama" by striking the figures "\$32,814,276" and "\$66,858,676" and inserting in lieu thereof the following: "\$33,027,625" and "\$67,072,025" respectively.

Further amend House Bill 77 on page 35, section 5-I-B-2, line 33 in the subsection entitled "University of Alabama in Birmingham" by striking the figures "\$2,430,087" and "\$4,630,320" and inserting in lieu thereof the following: "\$2,230,087" and "\$4,430,320" respectively.

Further amend House Bill 77 on page 35, section 5-I-B-3, subsection entitled "University of Alabama in Birmingham" by striking the figures "\$2,059,141" and "\$2,507,732" and inserting in lieu thereof the following: "\$1,859,141" and "\$2,307,732" respectively.

Further amend on page 36, section 5-I-B-7, line 9 in the subsection entitled "University of Alabama in Birmingham" by striking the figures "\$3,437,581" and "\$6,107,767" and inserting in lieu thereof the following: "\$3,237,581" and "\$5,907,767" respectively.

Further amend on page 36, section 5-I-B-10, line 14 in the subsection entitled "University of Alabama in Birmingham" by striking the figures "\$16,124,859" and "\$67,712,857" and inserting in lieu thereof the following: "\$16,724,859" and "\$68,312,857" respectively.

The Adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.



And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 79; Nays 20.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 96; Nays 4.

And said Bill, H. 77, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

# HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 77, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 33; Nays 0; Abstaining 1.

*Yeas:*

Messrs.:	Glass	Keener	Pearson
Bailey	Goodwin	Kirkland	Proctor
Barron	Gulledge	Lemaster	Robertson
Britnell	Hall	Little	St. John
Callahan	Harrison	Martin	Smith
Cook	Higginbotham	McDonald	Teague
deGraffenried	Hilliard	Miller	Vacca
Denton	Holmes	Mitchem	White
Figures		Parsons	—33

*Nays:* —0

*Abstaining:* Mr. Weeks. —1

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 77, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 32; Nays 2.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton	Keener	Pearson	—32
Figures	Kirkland		

*Nays:* Messrs.: Harrison and Weeks. —2

which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Ray and Smith (C):

H. J. R. 69. EXPRESSING APPRECIATION OF THE LEGISLATURE TO THE CHARLES HENDERSON HIGH SCHOOL BAND.

Also:

By Rep. Turnham:

H. J. R. 71. COMMENDING MR. ROBERT HENRY OF AUBURN, ALABAMA, NATIONALLY PROMINENT HUMORIST AND THE RECIPIENT OF RECENT HIGH HONORS.

Also:

By Reps. Starkey and Higginbotham:

H. J. R. 76. HONORING MRS. ELIZABTH WOMACK McDONALD FOR HER LONGTIME DEDICATED SERVICE TO COFFEE HIGH SCHOOL, FLORENCE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 69, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolution, H. J. R. 71, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 76, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Amari:

H. J. R. 79. CONGRATULATING THE 12 YEAR OLD ALL STARS OF THE HUFFMAN JUNIOR BASEBALL ASSOCIATION.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sasser, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 77. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the Land Commissioner, be requested to withhold any sales of property owned by innocent property owners until the Legislature, at the next session, is able to enact legislation that would have the effect of getting this matter corrected.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 77, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 43. To repeal Act No. 81-700, 1981 Regular Session, which Act relates to certain procedures governing the sale or lease of certain public lands.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 9. To authorize the administration of the Gadsden State Junior College to use any proceeds of bonds issued as authorized by Act No. 138, S. 1, Second Special Session 1978 (Acts 1978, p. 1875), for the purpose of payment or retirement of any outstanding legal indebtedness.

was read a third time at length and passed.

Yeas 22; Nays 2.

Yeas:

Messrs.:	Goodwin	Lemaster	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Proctor	White	
Glass	Kirkland	Robertson		—22

Nays: Messrs.: Barron and Little. —2

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 71. COMMENDING MR. ROBERT HENRY OF AUBURN, ALABAMA, NATIONALLY PROMINENT HUMORIST AND THE RECIPIENT OF RECENT HIGH HONORS.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 77. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 82. REPEALING ACT NO. 81-255, H. J. R. 213, 1981 REGULAR SESSION, ENTITLED, "HOUSE JOINT RESOLUTION REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS."

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 22. To provide further for estates and the rights of spouses therein; to provide further for descent and distribution in the cases of intestacy; to amend Sections 43-3-1, as amended, and 43-3-10, Code of Alabama 1975, which provide for the descent and distribution of real estate and personalty, respectively, of an intestate, so as to provide further therefor; to repeal Section 43-3-12, Code of Alabama 1975, which relates to the husband's distributive share of his wife's estate.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 13. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 67. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, August 18, 1981, they adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 54. HONORING MR. HERMAN T. CULPEPPER UPON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF WIREGRASS MENTAL HEALTH CENTER, DOTHAN, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 9. To authorize the administration of the Gadsden State Junior College to use any proceeds of bonds issued as authorized by Act No. 138, S. 1, Second Special Session 1978 (Acts 1978, p. 1875), for the purpose of payment or retirement of any outstanding legal indebtedness.

Also:

H. J. R. 69. EXPRESSING APPRECIATION OF THE LEGISLATURE TO THE CHARLES HENDERSON HIGH SCHOOL BAND.

Also:

H. J. R. 76. HONORING MRS. ELIZABETH WOMACK McDONALD FOR HER LONGTIME DEDICATED SERVICE TO COFFEE HIGH SCHOOL, FLORENCE, ALABAMA.

Also:

H. J. R. 79. CONGRATULATING THE 12 YEAR OLD ALL STARS OF THE HUFFMAN JUNIOR BASEBALL ASSOCIATION.

Also:

H. 13. Proposing an amendment to the Constitution of Alabama relating to the prohibition of legal action by employees covered under workmen's compensation laws against co-employees; and defining co-employees.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 71. COMMENDING MR. ROBERT HENRY OF AUBURN, ALABAMA, NATIONALLY PROMINENT HUMORIST AND THE RECIPIENT OF RECENT HIGH HONORS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 4. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 4. To supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

Also:

S. J. R. 54. HONORING MR. HERMAN T. CULPEPPER UPON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF WIREGRASS MENTAL HEALTH CENTER, DOTHAN, ALABAMA.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 67. Relative to sine die adjournment.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 30

Delivered to the Governor, August 11, 1981, at 5:15 P. M.



S. J. R. 6

S. J. R. 7

S. J. R. 8

S. J. R. 11

S. J. R. 12

S. J. R. 13

S. J. R. 14

S. J. R. 24

S. J. R. 25

S. J. R. 31

S. J. R. 32

S. J. R. 33

S. J. R. 34

S. J. R. 36

Delivered to the Governor, August 12, 1981, at 3:40 P. M.

S. J. R. 5

S. J. R. 16

S. J. R. 17

S. J. R. 18

S. J. R. 23

S. J. R. 26

Delivered to the Governor, August 12, 1981, at 5:15 P. M.

S. B. 31.

Delivered to the Governor, August 13, 1981, at 11:25 P. M.

S. J. R. 19

S. J. R. 37

S. B. 14

S. B. 36

S. B. 47

S. B. 48

S. B. 49

S. B. 50

S. B. 56

S. B. 58

S. B. 69

Delivered to the Governor, August 13, 1981, at 5:05 P. M.

S. B. 38

S. B. 70

S. B. 16

S. B. 28

S. J. R. 41

S. J. R. 44

S. J. R. 45

S. J. R. 48

S. J. R. 49

Delivered to the Governor, August 18, 1981, at 4:30 P. M.

S. B. 32

Delivered to the Secretary of State, August 14, 1981, at 12 o'clock Noon.

S. B. 6

S. B. 25

S. B. 41

S. B. 59

S. B. 78

S. B. 81

S. B. 43

Delivered to the Governor, August 18, 1981, at 9:45 P. M.

S. J. R. 54

S. B. 4

Delivered to the Governor, August 18, 1981, at 10:55 P. M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the

Sixth and Seventh Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Sixth and Seventh Legislative Days were approved by the Senate.

ADJOURNMENT

At 10:45 P. M., on motion of Mr. Higginbotham, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE,  
Secretary of the Senate.

**IN THE LEGISLATURE OF THE STATE OF ALABAMA**  
**STATE SENATE**  
**FIRST EXTRAORDINARY SESSION**  
**LOBBYIST REGISTRATION**

(In accordance with the provisions of Joint Rules of the two  
houses of the Alabama Legislature, Rules 15-23)

Alexander, Dan C., Jr., Taxpayers Education Lobby.

Argo, J. Knox, American Insurance Association; Tobacco Institute; Motion Picture Company of America; DeHart & Associates.

Amos, Doug, Alabama League of Savings Association.

Avinger, C E., Alabama Bankers Association.

Bailey, George F., Alabama Railroad Association.

Bates, C. W., United States Pipe and Foundry Company; Jim Walter Resources.

Bethea, Joseph P., Chevron U.S.A. Inc. & its parent corporation, Standard Oil of California & subsidiaries.

Boyles, Wiley R., Auburn University at Montgomery.

Brand, James B., Associated Industries of Alabama.

Brewer, Denny H. (Jack), Jr., Olin Corporation.

Brindley, Joe, University of Montevallo.

Brown, David C., University of North Alabama.

Burks, A. A., Alabama A & M University.

Buss, Debra H., Alabama Association of School Boards.

Carlton, John P., City of Birmingham.

Chastain, Lamar, Steel Workers Legislative and Education Commission of Ala.

Christie, Martin William, Jim Walter Corporation; U.S. Pipe and Foundry.

Cobb, William J., South Central Bell.

Cunningham, R. J., Alabama Association of Life Underwriters; Alabama Hotel & Motel Association; Alabama Travel Council; Prof. Agents of Alabama; Alabama Crushed Stone Association; Alabama Surface Mining Environmental Association; Telepage; Ala. Automatic Merchandising Council.

Dexter, Kendall P., MacMillan—Bloener, Inc.

Dolbare, Jeffery Blane, Alabama Association of Classified School Employees.

Douglas, Jack F., Alabama Citizens Action Program.

Eader, Michael E., Alabama Association of School Boards.

Englehardt, Sam, Alabama Power Company.

Fridlin, William Albert, National Federation of Independent Business.

Farish, Preston T., Self.

Finley, Robert, Alabama Department of Public Health.

Green, William L, Alabama By-Products Corporation.

Gibson, Don, Troy State University.

Hardin, James Taylor, Central Bancshares of the South—3M Corporation.

Harris, Patrick, Unified Judicial System.

Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Assn.; Jim Walter Corporation; South Alabama State Fair Assn., Inc.

Hartsell, Charles Ray, Blue Cross & Blue Shield of Alabama.

Horton, David, University of South Alabama.

Jones, Clyde Emile, Dr. Paul Hubbert.

Livingston, Edwin K., Alabama Tax Assessors and Collectors.

McBee, Douglas M., Fraternal Order of Police, State wide.

McGuffie, Ronald A., Alabama Brotherhood of Law Enforcement Officers.

McDonald, Charles, Alabama Retail Association.

McGregor, Tom, Alabama Gas Corporation.

McMinn, Richard Carlos, Jr., F.O.P. Lodge 64.

Masters, Jeff D., Associated Builders and Contractors of Alabama, Inc.

Meissner, Dan, West Ala. E.M.S., Inc.

Mintz, William E., Alabama Labor Council AFL-CIO.

Newman, Katherine B., Alabama Education Association.

Nix, Lloyd, Communication Workers of America.

O'Connor, William F., Jr., Alabama Press Association.

Parsons, Milton K., Alabama Farm Bureau Federation.

Pounders, Diane G., Alabama Farm Bureau Federation.

Powell, Jerry A., Jr., Alabama Nursing Home Association.

Pregno, Nanette, United Transportation Union.

Richardson, E. Clark, Alabama Power Company.

Roark, Randy, Municipal Electric Utility Corporation.

Rodawig, William Eric, Household Finance Corporation.

Roper, William L, Alabama Department of Public Health.

Roquemore, Perry C., Jr., Alabama League of Municipalities.

- Russell, Roy Otis, Alabama Concrete Industries Association.  
Sharpless, Oscar, Association of County Commissions of Alabama.  
Smith, Walter Clifford, II, Alabama Chamber of Commerce.  
Sorrells, Reginald Lee, Association of County Commissions of Alabama.  
Spencer, Jerry W., Modern Banking Association of Alabama.  
Spartling, Charles G., Jr., Low Income Clients of Legal Services of North Central Alabama.  
Spratt, Ronald Lee, City of Birmingham.  
Thiemonge, Frank, Jr., Alabama Safety Council, Inc.  
Trammell, A. G., Alabama AFL-CIO.  
Underwood, Kenneth, South Central Bell.  
Wares, Margaret Bonds, Self.  
Wasson, Don F., Alabama Mining Institute.  
Watkins, John F., Alabama League of Municipalities.  
Weeks, Barney, Alabama Labor Council, AFL-CIO.  
Wilson, R. Bates, Jim Walter Corporation—U.S. Pipe and Foundry.  
Wilson, Robert T., Blue Cross-Blue Shield of Alabama.  
Word, Troy, U.R.W. Local No. 12.
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## ROSTER OF THE SENATE OF ALABAMA

1981

George D. H. McMillan, Jr., <i>Lieutenant Governor</i>	State Capitol, Montgomery
Finis St. John, <i>President Pro-Tem</i>	Cullman
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
First Senatorial District	
Bobby Denton	1st Colbert Natl. Bank, P. O. Drawer B, Sheffield 35660
Second Senatorial District	
Charlie Britnell	Northwest Alabama State Junior College, Phil Campbell 35851
Third Senatorial District	
Charles B. Martin	P. O. Box 2204, Decatur 35602
Fourth Senatorial District	
Finis St. John	P. O. Drawer K, Cullman 35055
Fifth Senatorial District	
Robert (Bob) Hall	2601 Carson Road, Birmingham 35215
Sixth Senatorial District	
Albert McDonald	Route 1, Madison 35758
Seventh Senatorial District	
Bill Smith	2009 Gallatin St. S.W., Huntsville 35801
Eighth Senatorial District	
James Lemaster	Route 2, Box 228, Scottsboro 35768
Ninth Senatorial District	
Hinton Mitchem	P. O. Box 297, Albertville 35950
Tenth Senatorial District	
Larry H. Keener	816 Chestnut St., Gadsden 35901
Eleventh Senatorial District	
Dewey White	P. O. Box 7685A, Birmingham 35223
Twelfth Senatorial District	
Paschal P. "Pat" Vacca	1617 Mountain Dr., Tarrant 35217
Thirteenth Senatorial District	
J. Richmond Pearson	Citizens Federal Building, P. O. Box 11135, Birmingham 35202
Fourteenth Senatorial District	
Mac Parsons	603 City Federal Building, Birmingham 35203
Fifteenth Senatorial District	
Earl F. Hilliard	P. O. Box 11385, Birmingham 35202
Sixteenth Senatorial District	
Ryan deGraffenried, Jr.	P. O. Box 2427, Tuscaloosa 35401

## Seventeenth Senatorial District

Doug Cook ..... P. O. Box 6223-A, Tarrant 35217

## Eighteenth Senatorial District

Lister Hill Proctor ..... 121 North Norton Ave.,  
Sylacauga 35150

## Nineteenth Senatorial District

John A. Teague ..... P. O. Box 427, Childersburg 35044

## Twentieth Senatorial District

Donald G. Holmes ..... 1915 Robinhood Dr.,  
Oxford 36203

## Twenty-first Senatorial District

T. D. "Ted" Little ..... P. O. Box 342, Auburn 36830

## Twenty-second Senatorial District

G. J. "Dutch" Higginbotham ..... Troy State University,  
P. O. Box 2545, Troy 36081

## Twenty-third Senatorial District

Mike Weeks ..... P. O. Box 322, Troy 36081

## Twenty-fourth Senatorial District

Chip Bailey ..... P. O. Box 6791, Dothan 36302

## Twenty-fifth Senatorial District

Wallace Miller ..... 100½ No. Main, Enterprise 36330

## Twenty-sixth Senatorial District

Don Harrison ..... 516 S. Perry St., Montgomery 36104

## Twenty-seventh Senatorial District

Bishop N. Barron ..... P. O. Box 221  
Montgomery 36101

## Twenty-eighth Senatorial District

Cordy Taylor ..... P. O. Box 596, Prattville 36067

## Twenty-ninth Senatorial District

Earl Goodwin ..... Rt. 7, Box 488, Selma 36701

## Thirtieth Senatorial District

Edward D. "Big Ed" Robertson ..... P. O. Box 331, Northport 35476

## Thirty-first Senatorial District

Reo Kirkland, Jr. .... P. O. Box 646, 102 St. Joseph,  
Brewton 36426

## Thirty-second Senatorial District

Robert I. "Bob" Gullledge ..... P. O. Drawer 3376,  
Robertsdale 36567

## Thirty-third Senatorial District

Michael A. Figures ..... 1407 Davis Avenue, Mobile 36603

## Thirty-fourth Senatorial District

H. L. "Sonny" Callahan ..... P. O. Box 1208, Mobile 36601

## Thirty-fifth Senatorial District

Bob Glass ..... 733 Lakeshore Dr. W., Mobile 36609



**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1981**

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**FINANCE AND TAXATION**

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, Cook, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

**RULES**

McDonald, Chairman; Harrison, Vice-Chairman; Teague, Higginbotham, Mitchem, Pearson, St. John.

**JUDICIARY**

deGraffenried, Chairman; Figures, Vice-Chairman; Barron, Britnell, Cook, Harrison, Hilliard, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

**GOVERNMENTAL AFFAIRS**

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Hilliard, Holmes, Lemaster, Parsons, Proctor.

**AGRICULTURE, CONSERVATION AND FORESTRY**

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

**BUSINESS AND LABOR RELATIONS**

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Figures, Glass, Harrison, Hilliard, Little, Weeks.

**EDUCATION**

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Hilliard, Little, Taylor, White.

**HEALTH AND WELFARE**

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

**BANKING AND INSURANCE**

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

## COMMERCE, TRANSPORTATION AND UTILITIES

Teague, Chairman; Callahan, Vice-Chairman; Goodwin, Keener, Kirkland, Martin, Parsons, Weeks, White.

## LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

## LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Cook, Hilliard, Parsons, Pearson, Proctor, White.

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**STANDING COMMITTEE ASSIGNMENTS****FOR 1981****ALABAMA STATE SENATE****24th District**

**CHIP BAILEY**—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

**27th District**

**BISHOP N. BARRON**—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

**2nd District**

**CHARLIE BRITNELL**—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

**34th District**

**H. L. "SONNY" CALLAHAN**—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**17th District**

**DOUG COOK**—Finance and Taxation; Judiciary; Governmental Affairs; Banking and Insurance; Local Legislation No. 2.

**16th District**

**RYAN deGRAFFENRIED, JR.**—Chairman, Judiciary; Health and Welfare; Local Legislation No. 1.

**1st District**

**BOBBY DENTON**—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

**33rd District**

**MICHAEL A. FIGURES**—Vice-Chairman, Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

**35th District**

**BOB GLASS**—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**29th District**

**EARL GOODWIN**—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

**32nd District**

**ROBERT I. "BOB" GULLEDGE**—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

**5th District**

**ROBERT "BOB" HALL**—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

## 26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

## 22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

## 15th District

EARL F. HILLIARD—Judiciary; Education; Business and Labor Relations; Governmental Affairs; Local Legislation No. 2.

## 20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

## 10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Commerce, Transportation and Utilities.

## 31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

## 8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

## 21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

## 3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

## 6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

## 25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

## 9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

## 14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

## 13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Local Legislation No. 2.

## 18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

## 30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

## 4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

## 7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

## 28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

## 19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Rules; Banking and Insurance.

## 12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

## 23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

## 22th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

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**HOUSE OF REPRESENTATIVES  
FIRST EXTRAORDINARY SESSION, 1981  
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles H. Adams, 66	Roy W. Johnson, Jr., 47
H. H. "Bill" Adams, 30	Phillip "Phil" B. Kelley, 26
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
William Clark, 98	Arthur Payne, 15
Wayne Cobb, 5	Leigh Pegues, 86
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Steve Cooley, 10	T. Euclid Rains, Sr., 25
W. F. "Noopie" Cosby, Jr., 85	James E. Ray, 68
Bobby C. Crow, 58	Thomas Reed, 67
Gene Daniels, 73	Frank Riddick, 18
Gerald O. Dial, 60	Tommy Ed Roberts, 9
Larry D. Dixon, 81	J. Thomas Sandusky, 100
Bill Drinkard, 29	James G. Sasser, 69
William D. Edwards, 83	George Seibels, 32
Sundra E. Escott, 45	Cecil Shavers, 23
Joe M. Ford, 28	Wallace Shoemaker, 55
Robert C. "Bob" Gafford, 33	Curtis Smith, 53
Charles T. Gilmer, 6	James P. Smith, 17
J. W. "Joe" Goodwin, 4	Martha Jo Smith, 21
Richard Gregg, 19	Nelson R. Starkey, Jr., 2
George H. Grimsley, 70	George Stewart, 104
E. A. Grouby, Jr., 82	J. David Stout, 24
Albert Hall, 22	Hoyt W. Trammell, 36
Seth Hammett, 75	Jerome Tucker, 43
Owen Harper, 62	J. E. Turner, 96
Taylor F. Harper, 105	Pete Turnham, 63
A. L. "Tony" Harrison, 44	Jack B. Venable, 76
Bob Harvey, 27	J. T. "Jabo" Waggoner, Jr., 51
John E. Higginbotham, 1	Shelby Dean Ward, 64
L. Brooks Hines, 91	J. E. "Jimmy" Warren, 93
Jimmy W. Holley, 74	Charles W. Whatley, 65
Alvin Holmes, 80	R. Nolan Williams, 72
William Fred Horn, 39	Gerald Willis, 57
Asbury Howard, 49	Cecil Wyatt, 78
Ronald E. Jackson, 38	Mary S. Zoghby, 102
Ronald G. Johnson, 54	

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA**

**1981**

**FIRST EXTRAORDINARY SESSION**

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY  
*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

<b>Dist. No.</b>	<b>Counties</b>	<b>Name</b>	<b>Address</b>
1	LAUDERDALE	John E. Higginbotham	Rt. 11, Box 158, Florence 35630
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 1186, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549

- 13 WALKER  
Alvis Naramore ..... 5th Avenue, 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT  
Earl Cheatwood ..... Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON  
Arthur Payne ..... 2825 2nd. St., N. W. Birmingham 35215
- 16 LIMESTONE  
Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
James P. (Jim) Smith ..... 108 South Side Square  
Huntsville 35801
- 18 MADISON  
Frank H. Riddick ..... 7804 Lauderdale Rd., S. W.,  
Huntsville 35802
- 19 MADISON  
Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810
- 20 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., N. E.,  
Huntsville 35811
- 21 MADISON  
Martha Jo Smith ..... 1700 Big Cove Rd., S. E.,  
Huntsville 35801
- 22 MADISON, JACKSON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout ..... P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486,  
Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... 117 Arcade St. E., Gadsden 35903
- 29 ETOWAH  
Bill Drinkard ..... P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON  
W. J. (Bill) Cabaniss ..... P. O. Box 57032,  
Birmingham 35209



- 32 JEFFERSON  
George Seibels ..... 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON  
Robert C. (Bob) Gafford ..... 5345 Division Ave.,  
Birmingham 35212
- 34 JEFFERSON  
John E. Amari ..... 9636 Parkway E., Birmingham 35215
- 35 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON  
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON  
Jim Bennett ..... Marshall, Bennett & Company  
Suite 616, Woodward Bldg.,  
1927 1st Ave. N., Birmingham 35203
- 38 JEFFERSON  
Ronald E. Jackson ..... 1324 Elmwood St.,  
Birmingham 35211
- 39 JEFFERSON  
William Fred Horn ..... 333 16th Ave. S. W.,  
Birmingham 35211
- 40 JEFFERSON  
J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218
- 41 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 42 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle,  
Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ..... Suite 1722, 2121 Building, 8th Ave. N.,  
Birmingham 35203
- 44 JEFFERSON  
A. L. (Tony) Harrison ..... 1630 4th Ave., No.,  
Birmingham 35203
- 45 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 46 TUSCALOOSA  
Park Barton ..... P. O. Box 338, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. ..... Route 4, Box 140,  
Tuscaloosa 35405
- 48 TUSCALOOSA, BIBB  
Walter Owens ..... 107 Court Sq. West,  
Centreville 35042

- 49 TUSCALOOSA, JEFFERSON  
Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON  
M. Duane Lewis ..... 1129 4th Ave. N., Bessemer 35020
- 51 JEFFERSON, SHELBY  
J. T. (Jabo) Waggoner, Jr. .... 1829 Mission Rd.,  
Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA  
Sonny Moore ..... P. O. Box 44,  
Sterrett 35147
- 53 CHILTON, SHELBY  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA  
Ronald G. Johnson ..... Route 5, Box 17,  
Sylacauga 35150
- 55 TALLADEGA  
Wallace Shoemaker ..... 15 Cliff Rd., Childersburg 35044
- 56 ST. CLAIR, CALHOUN  
A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125
- 57 CALHOUN  
Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN  
Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201
- 59 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 60 CLAY, CLEBURNE, TALLADEGA  
Gerald O. Dial ..... Box 248, Lineville 36266
- 61 RANDOLPH, CHAMBERS  
Richard Laird ..... Bonner Dr., Roanoke 36274
- 62 TALLAPOOSA, CHAMBERS  
Owen Harper ..... 502 Lilly Ave.,  
E. Tallassee 36023
- 63 TALLAPOOSA, LEE, CHAMBERS  
Pete Turnham ..... P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE  
Shelby Dean Ward ..... P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR  
Charles W. Whatley ..... Rt. 5, Box 296, Opelika 36801
- 66 RUSSELL  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 67 MACON, BULLOCK  
Thomas Reed ..... Drawer EE, Tuskegee Institute,  
Tuskegee 36088

- 68 PIKE, COFFEE, BULLOCK, BARBOUR  
James E. Ray ..... 104 Woodland Circle,  
Troy 36081
- 69 DALE, BARBOUR, HENRY  
James G. Sasser ..... 1208 Skipperville Rd.,  
Ozark 36360
- 70 HOUSTON, HENRY, BARBOUR  
George H. Grimsley ..... Rt. 1, Columbia 36319
- 71 HOUSTON  
Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301
- 72 DALE  
R. Nolan Williams ..... Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON  
Gene Daniels ..... Rt. 2, Box 207, Samson 36477
- 74 COVINGTON, COFFEE  
Jimmy W. Holley ..... Rt. 3, Box 191 E. Elba 36323
- 75 COVINGTON  
Seth Hammett ..... P. O. Box 1418, Andalusia 36420
- 76 ELMORE  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 77 MONTGOMERY  
Charles D. Langford ..... 352 Dexter Ave.,  
Montgomery 36104
- 78 MONTGOMERY, CRENSHAW  
Cecil Wyatt ..... P. O. Box 1, Ramer 36069
- 79 MONTGOMERY  
Bob McKee ..... P. O. Box 424, Montgomery 36102
- 80 MONTGOMERY  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 81 MONTGOMERY  
Larry Dixon ..... State Board Medical Examiners  
P. O. Box 946, Montgomery 36102
- 82 AUTAUGA, ELMORE, LOWNDES, MONTGOMERY  
E. A. Grouby, Jr. .... P. O. Box 188,  
Prattville 36067
- 83 WILCOX, LOWNDES, DALLAS  
William D. Edwards ..... Rt. 1, Box 180A, Fort Deposit 36032
- 84 BUTLER, CRENSHAW  
Eric O. Cates, Jr. .... Rt. 2, Box 320, Greenville 36037
- 85 DALLAS, AUTAUGA  
William F. (Noopie) Cosby, Jr. .... 201 Ruth St.,  
Selma 36701
- 86 DALLAS, PERRY, MARENGO  
Leigh Pegues ..... 204 East Early St., Marion 36756

- 87 MARENGO, SUMTER, HALE, GREENE  
Richard S. (Rick) Manley ..... P. O. Drawer U,  
Demopolis 36732
  - 88 GREENE, PICKENS, TUSCALOOSA, HALE  
George Clark ..... Box 6, Eutaw 35462
  - 89 TUSCALOOSA, PICKENS  
Earl Mitchell ..... P. O. Box 426, Northport 35476
  - 90 SUMTER, CHOCTAW  
Preston (Mann) Minus, Jr. .... P. O. Box 969,  
Livingston 35470
  - 91 ESCAMBIA  
L. Brooks Hines ..... P. O. Box 345, Brewton 36426
  - 92 CLARKE, MONROE  
Joe C. McCorquodale, Jr. .... P. O. Box 928,  
111 W. Church St., Jackson 36545
  - 93 MONROE, CONECUH, ESCAMBIA  
J. E. (Jimmy) Warren ..... P. O. Box 207,  
Castleberry 36432
  - 94 BALDWIN  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
  - 95 BALDWIN, MOBILE  
Stephen A. McMillan ..... P. O. Box 337, Bay Minette 36507
  - 96 WASHINGTON, MOBILE  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
  - 97 MOBILE  
V. M. Parker ..... 504 Woodlore Dr., Chickasaw 36611
  - 98 MOBILE  
William Clark ..... P. O. Box 10434, Prichard 36610
  - 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
  - 100 MOBILE  
J. Thomas (Tommy) Sandusky ..... P. O. Box 9338,  
Mobile 36691
  - 101 MOBILE  
Ann Bedsole ..... 25 Edgefield Rd., Mobile 36608
  - 102 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Dr., Mobile 36606
  - 103 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
  - 104 MOBILE  
George Stewart ..... 4413 S. Shan Dr., Mobile 36609
  - 105 MOBILE  
Taylor F. Harper ..... P. O. Box 208, Grand Bay 36541
-





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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**SECOND**  
**EXTRAORDINARY**  
**SESSION OF 1981**

**HELD IN THE CITY OF MONTGOMERY,  
COMMENCING TUESDAY, SEPTEMBER 29, 1981**



**WITH AN INDEX PREPARED BY THE  
SECRETARY OF THE SENATE**

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2. Legislative roster, listing names and addresses of all members of the current Legislature by district;
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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**SECOND EXTRAORDINARY**  
**SESSION OF 1981**

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**FIRST LEGISLATIVE DAY**  
**TUESDAY, SEPTEMBER 29, 1981**

BE IT REMEMBERED, that on the 29th day of September, A.D., 1981, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA**  
**PROCLAMATION**  
**BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V, Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 5:00 o'clock P.M., Tuesday, September 29, 1981, and I do hereby designate the following subjects and matters, which I as Governor deemed necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. Legislation to apportion the members of the Senate and of the House of Representatives among districts, which districts, when formed, shall be as nearly equal to each other in number of inhabitants as may be reasonably possible.

2. Local Legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 21st day of September, 1981.

**FOB JAMES,**  
Governor.

ATTEST:

DON SIEGELMAN  
Secretary of State

Pursuant to such proclamation, at the hour of 5 o'clock P.M., on Tuesday, September 29, 1981, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable George McMillan, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

#### PRAYER

The Session was opened with prayer by the Reverend Byron Seymour, Pastor, Vaughn Road Church of God, Montgomery, Alabama.

#### ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	Proctor	
Bailey	Hall	Little	Robertson	
Barron	Harrison	Martin	Smith	
Callahan	Higginbotham	McDonald	Taylor	
Cook	Hilliard	Miller	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
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Goodwin				

#### LEAVE OF ABSENCE

On motion of Mr. McDonald, leave of absence was granted Messrs. Britnell, Glass and St. John for today.

#### RESOLUTIONS

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Little, Robertson and Keener.

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. DESIGNATING OCTOBER 10, 1981, AS "WILLIAM LEE GOLDEN DAY" IN ALABAMA.

WHEREAS, Brewton, Alabama, is the hometown of William Lee Golden, one of the famous "Oak Ridge Boys," whose recordings consistently rank at the top of the charts; and

WHEREAS, along with his fellow "Oak Ridge Boys," Joe Bonsall, Richard Sterban and Duane Allen, Bill Golden will be in Brewton on October 10, 1981, to hold a "Harvest Jam" concert; and

WHEREAS, it is to be noted that Governor Fob James has proclaimed that date as "William Lee Golden Day" in Alabama, an honorary designation in appreciation of the fame and honor brought to our State by a distinguished native son; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in pleased accord with said proclamation, we hereby further designate October 10, 1981, as "William Lee Golden Day" in Alabama and direct that copies of this resolution be presented to William Lee Golden and to his father, Luke Golden, as a memento of the occasion and in token of our warm praise and regard.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

Mr Little offered the following Senate Resolution, to-wit:

S. R. 3. MOURNING THE DEATH OF MRS. OMIE MESSER BRAZEAL OF WEDOWEE, RANDOLPH COUNTY, ALABAMA.

Which was adopted.

Messrs. Denton, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, White offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. CONGRATULATING DR. RICHARD O. RUTLAND, JR., OF FAYETTE, THE "FAMILY DOCTOR OF THE YEAR".

WHEREAS, The American Academy of Family Physicians, in conjunction with GOOD HOUSEKEEPING magazine, has named Dr. Richard O. Rutland, Jr., of Fayette, Alabama, the "Family Doctor of the Year" for 1981; and

WHEREAS, Dr. Rutland, who received his education at the University of Alabama, Duke University, and Tulane University School of Medicine, is a partner in the McNease-Hodo Clinic in Fayette, and has been instrumental in the establishment of rural health programs throughout the state; and

WHEREAS, He has delivered 1,800 babies, sees 30 to 35 patients a day, and makes house calls; and

WHEREAS, His letter of nomination states that "Dr. Richard Rutland is the finest example of an involved and caring family doctor. His devotion and concern will be passed on through his teaching efforts. His accomplishments are not rhetoric or illusions, but exist in real life for people to see and judge for themselves."; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Dr. Rutland for

having received this greatly-deserved award, and heartily concur in the choice of "Family Doctor of the year"; he has brought distinction and honor to his profession, his community, and the state of Alabama.

BE IT FURTHER RESOLVED That copies of this resolution be sent to him, to his wife, Mrs. Nancy Babb Rutland, and to their four children, as tokens of our pride and esteem.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTION

Messrs. Proctor, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Robertson, St. John, Smith, Taylor, Teague, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 5. EXTENDING BELATED BIRTHDAY GREETINGS TO SENATOR PAT VACCA.

WHEREAS, Our beloved dean of the Senate, Pat Vacca, observed his 80th birthday on September 6; and

WHEREAS, This is the first opportunity that the Senate has had, as a body, to express to him our deep affection as he begins his ninth decade; and

WHEREAS, Senator Vacca's energy, wisdom, affability, and humanitarianism have long been a source of inspiration to his colleagues in the Legislature and his many friends throughout the state; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA That we extend to Senator Pat Vacca our deep affection and respect, with our heartiest best wishes for many more years of good health and happiness.

BE IT FURTHER RESOLVED That a copy of this Resolution be presented to our good friend, Pat Vacca, as a token of our admiration and esteem.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

And the Speaker has appointed as committee on part of the House Messrs. Harvey, Holmes, and McKee.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Mr. Kirkland offered the following Senate Resolutions, to-wit:

S. R. 6. COMMENDING AND CONGRATULATING MR. RAY R. JOHNSTON OF MONTGOMERY, ALABAMA.

Also:

S. R. 7. COMMENDING RAY LOWERY OF BREWTON, ALABAMA, RECENT WINNER OF THE NATIONAL TEEN TALENT FINALS.

Also:

S. R. 8. MOURNING THE DEATH OF MRS. HELEN ROBERTS KELLY, OF BREWTON, ALABAMA.

Also:

S. R. 9. MOURNING THE DEATH OF MRS. MARIE MCDONALD OF EAST BREWTON, ALABAMA.

Also:

S. R. 10. MOURNING THE DEATH OF MR. JAMES W. KNOX OF BREWTON, ALABAMA.

Also:

S. R. 11. MOURNING THE RECENT DEATH OF THOMAS HARVEY OF BREWTON, ALABAMA.

Also:

S. R. 12. COMMENDING THE MONROEVILLE LITTLE LEAGUE ALL STARS, STATE CHAMPIONS AND ALABAMA'S REPRESENTATIVES TO THE SOUTHERN REGIONAL PLAYOFFS.

Which was adopted.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Proctor, Keener, Denton, and Cook:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Committee on Judiciary.

By Mr. Harrison (with notice and proof):

S. 2. Relating to Montgomery County; providing further for the salary of the chairman and associate members of the county commission, effective upon the next term of office.

Committee on Local Legislation No. 1.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 2, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Harrison (with notice and proof):

S. 3. Relating to Montgomery County; providing further for the salary of the tax collector, effective upon the next term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 3, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Harrison (with notice and proof):

S. 4. Relating to Montgomery County; providing further for the salary of the tax assessor, effective upon the next term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 4, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Harrison (with notice and proof):

S. 5. Relating to Montgomery County; providing further for the compensation of the sheriff effective upon the expiration of the present term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Harrison (with notice and proof):

S. 6. Relating to Montgomery County; providing further for the salary of the probate judge, effective upon the next term of office.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 7. To provide funds to the Birmingham-Jefferson Transit Authority, or such other public transit authority as may be organized under the provisions of Act 993 of the 1971 Regular Session of the Legislature of Alabama, by requiring Jefferson County and certain municipalities situated

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therein to pay to the said Transit Authority certain percentages of the first one cent per dollar of sales tax and use tax collected by said county and municipalities in which public transit service shall be provided by such Authority, to be used by said Authority for the providing of facilities and equipment, for the paying of debts and expenses incurred in connection with or related to its providing of such public transit services, to provide for payments by municipalities having no sales or use tax, to authorize and provide for public transit service in municipalities affected by the Act, to make this Act cumulative to other provisions for funding public transit services, and to provide for the severability of invalid or unenforceable provisions of the Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 7, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 8. Relating to the City of Gadsden; amending Section 1 of Act No. 63, H. 1, 1978 Second Special Session (Acts 1978, p. 1750), so as to provide further for the salaries of members of the board of commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 8, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Kirkland (with notice and proof):

S. 9. Relating to Escambia County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags or decals for motor vehicles in such county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 9, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. White and Martin:

S. 10. To amend section 22-6-7, Code of Alabama 1975, so as to provide further for the letting of certain contracts by the Medicaid Agency of the State of Alabama.

Committee on Health and Welfare.

By Messrs. White and Martin:

S. 11. To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

Committee on Health and Welfare.

By Messrs. White and Holmes:

S. 12. To amend Section 6-5-33, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

Committee on Health and Welfare.

By Mr. White:

S. 13. To repeal Sections 10-2A-260 and 10-2A-261, Code of Alabama 1975, to eliminate the filing of an annual report with the Secretary of State; to repeal the filing fee for such annual report by amending Section 10-2A-281(20), Code of Alabama 1975; and to require more comprehensive information to be given on the permit application filed with the Department of Revenue under Sections 40-14-21 and 40-14-22, Code of Alabama 1975.

Committee on Governmental Affairs.

By Mr. Denton:

S. 14. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the current fiscal year and for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Denton:

S. 15. To eliminate the permit application and fee for domestic and foreign corporations under sections 40-14-21 and 40-14-22 Code of Alabama, 1975 and to amend section 10-2A-282(a)(20) Code of Alabama, 1975 to increase the annual report fee from five to twenty-five dollars.

Committee on Judiciary.

By Messrs. Barron, Kirkland, Harrison, Little, Taylor, Denton, Proctor, Holmes, Robertson, Keener, Parsons, Hall, Miller, Callahan, Martin, Cook, Vacca and Bailey:

S. 16. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Messrs. Hilliard, Martin, Hall and Parsons:

S. 17. To establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as many be provided by law.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 18. To provide for strict liability in civil actions brought as a result of personal or property injury as a result of the spilling of hazardous wastes.

Committee on Judiciary.



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By Mr. Denton:

S. 19. To make a conditional supplemental appropriation to the Office of Secretary of State for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Messrs. Parsons, Little, White, Harrison, Hall, Barron and Bailey:

S. 20. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Committee on Education.

By Mr. deGraffenried:

S. 21. To provide certain procedures for discovery of certain facts and statements as they relate to the prosecution and defense of criminal defendants in the state.

Committee on Judiciary.

By Mr. Parsons:

S. 22. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 23. To amend Section 36-26-5, Code of Alabama 1975, relating to the state personnel board, so as to change the composition of said board.

Committee on Governmental Affairs.

By Messrs. Keener, Denton and Kirkland:

S. 24. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 25. To amend Section 31-6-4 of the Code of Alabama 1975, relating to educational benefits for children of deceased or disabled veterans or prisoners of war, so as to remove the age limitation for initiating such training.

Committee on Finance and Taxation.

By Mr. Harrison:

S. 26. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of

such gas; and to provide further for penalties for the violation of the provisions of the act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Teague:

S. 27. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state and to increase certain fees and charges in relation to transfer of a license and examinations.

Committee on Governmental Affairs.

By Mr. Teague:

S. 28. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Committee on Commerce, Transportation,  
and Utilities.

By Messrs. Keener, Denton, Bailey and Kirkland;

S. 29. To amend Section 32-7-5 and 32-7-6, Code of Alabama 1975, commonly known as the Motor Vehicle Safety Responsibility Act, so as to increase the security required, and to increase the amount of property damage which must be sustained to require an accident report be filed.

Committee on Banking and Insurance.

By Mr. Keener:

S. 30. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Harrison:

S. 31. To amend Section 41-21-1, Code of Alabama 1975, relating to the distribution of sets of the Code of Alabama, so as to provide a set of the code to the deputy clerk of the Montgomery County Circuit Court.

Committee on Governmental Affairs.

By Mr. Proctor:

S. 32. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

Committee on Education.

By Mr. Pearson:

S. 33. To exempt Birmingham Football Foundation, Inc., Birmingham, Alabama, from the payment of state, county or municipal sales or use taxes.

Committee on Finance and Taxation.

By Mr. Mitchem:

S. 34. To amend section 11-50-345, Code of Alabama 1975, so as to remove the maximum interest rate of ten (10%) percent per annum on the bonds authorized in that section to be issued by a board of water and sewer commissioners created under the provision of article 10, chapter 50, Title 11, Code of Alabama 1975, and otherwise to exempt such bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Gulledge:

S. 35. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 1512), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

Committee on Finance and Taxation.

By Mr. Kirkland:

S. 36. To further amend Section 12-16-100 of the Code of Alabama 1975, relating to the drawing, selecting and empaneling of juries in criminal cases, so as to establish one-for-one strikes in any criminal case.

Committee on Judiciary.

By Messrs. Martin, Smith, Lemaster, Denton, Mitchem, Keener, Vacca, McDonald and Cook:

S. 37. To amend section 16-13-145 of the Code of Alabama 1975, relating to the funding of county and city boards of education, so as to authorize said boards to participate in the energy conservation financing programs of the Tennessee Valley Authority.

Committee on Education.

By Messrs. Harrison and Robertson:

S. 38. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Messrs. Little and Higginbotham:

S. 39. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide

two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 40. Proposing an Amendment to the Constitution of Alabama of 1901, relative to repealing Amendments No. 83 and 110; and providing that vacancies occurring in a judicial office in Jefferson County shall be filled as otherwise provided by the Constitution of Alabama of 1901 or statewide law.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Martin:

S. 41. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Committee on Governmental Affairs.

By Messrs. Martin, Goodwin, Holmes and White:

S. 42. This bill appropriates \$300,000 from the state general fund to the Department of Public Health for the solid and hazardous waste program.

Committee on Finance and Taxation.

By Mr. Pearson:

S. 43. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to prescribe definitions and legislative intent; to provide for the appointment of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to amend Section 12-17-20 of the Code of Alabama 1975; to make an appropriation to the unified judicial system from the general fund of the state treasury for the fiscal years ending September 30, 1981 and September 30, 1982; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this act; and to provide that the provisions of the act are non-severable.

Committee on Finance and Taxation.

By Mr. White:

S. 44. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

Committee on Governmental Affairs.

By Mr. Mitchem:

S. 45. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Keener (By Request):

S. 46. To amend §16-13-71 of the Code of Alabama 1975, as amended, so as to provide that warrants issued by city or county boards of education pursuant to the provisions of Article 4 of Chapter 13 of Title 16 of said Code may bear interest at a rate or rates not exceeding 14% per annum and may be sold at a price yielding not exceeding 14%.

Committee on Education.

By Mr. Keener (By Request), deGraffenried, Kirkland:

S. 47. To provide for executing "self proving" wills by the testator and affidavits of witnesses each before an officer authorized to administer oaths, and to provide the forms for the same.

Committee on Judiciary.

By Mr. Weeks (with notice and proof):

S. 48. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 48, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Weeks (with notice and proof) :

S. 49. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

Committee on Local Legislation No. 1

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 49, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Figures:

S. 50. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Committee on Judiciary.

By Mr. Proctor (with notice and proof):

S. 51. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Robertson (with notice and proof):

S. 52. Relating to the City of Tuscaloosa and to Tuscaloosa County; providing that any legislation for an increase in compensation for any city or county elected or appointed official must be approved by the qualified electorate at a referendum, called for such purpose, to be effective; and providing for an expiration date for such provisions.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 52, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. White and hall (with notice and proof):

S. 53. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 53, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. White and Hall (with notice and proof):

S. 54. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension

system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 54, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. White (with notice and proof):

S. 55. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 55, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Kirkland (with notice and proof):

S. 56. Relating to Escambia County; to amend Section 1, Section 4, and Section 6 of Act No. 81-841, H. 1056, 1981 Regular Session, relating to the county jury commission, so as to provide further for the board of appointment, and the compensation of the clerk and members of said commission.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 56, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Little (with notice and proof):

S. 57. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 57, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor (with notice and proof):

S. 58. Relating to the cities of Sylacauga, Talladega, Childersburg and Lincoln in Talladega County, Alabama; authorizing said cities at the sole discretion of their respective city councils to appropriate funds each fiscal year to pay for costs of the Talladega County District Court, Juvenile Division.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 58, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor (with notice and proof):

S. 59. Relative to Talladega County; to amend further Act No. 81-125, S. 101, 1981 Regular Session (Acts 1981), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of Juvenile Justice and Law Enforcement by increasing the costs and charges of Court.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 59, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Gulledge (with notice and proof):

S. 60. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 60, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (By Request) (with notice and proof):

S. 61. Relating to the Thirty-second Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished by capitally or upon appeals to the circuit courts from lower courts.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 61, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan:

S. 62. To propose a constitutional amendment creating a reserve fund to be invested by the state treasurer with the advice of a Select Committee. The Select Committee may pledge any portion of the reserve fund.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.



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By Mr. deGraffenried:

S. 63. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Committee on Judiciary.

ADJOURNMENT

At 6:25 P.M., on motion of Mr. Proctor, the Senate adjourned until Wednesday, September 30, 1981, at 4 o'clock P.M.

## SECOND LEGISLATIVE DAY

WEDNESDAY, SEPTEMBER 30, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Douglas Reeves, Christian Life Minister, First Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
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## JOURNAL

On motion of Mr. Higginbotham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DON HARRISON,  
Vice Chairman.

## COMMITTEE REPORT

On motion of Mr. Harrison, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Higginbotham, leave of absence was granted Messrs. Glass, McDonald and St. John for today.

## RESOLUTIONS

Messrs. deGraffenried and Robertson offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. MOURNING THE DEATH OF COACH PAUL F. BURNUM OF TUSCALOOSA, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature notes the death of Coach Paul F. Burnum of Tuscaloosa, Alabama, on September 14, 1981, at the age of 79 years; and

WHEREAS, a native of Cullman, Alabama, Coach Burnum was a 1923 graduate of the University of Alabama whose prestigious career included long coaching tenures both at Tuscaloosa High School and at his beloved University Alma Mater; and

WHEREAS, at Tuscaloosa High from 1925 through 1929, Coach Burnum's teams compiled a phenomenal 42-0-1 record with the '26 team claiming an unofficial National Championship by shutting out Chicago's Senn High School, 42-0; his teams also recorded 28 other shutouts and claimed intersectional victories over Lakeland, Florida, McKinley Tech of Washington, D. C. and St. Louis University City High; and

WHEREAS, Coach Burnum was then hired by University of Alabama President George Denny as an Assistant Coach for the Tide where he earned a reputation for being both an outstanding game scout and gifted recruiter; and

WHEREAS, he also was a recruiter for the United States Marine Corps during World War II, organized and served as president and manager of the Warrior, Selma and Brecon Box and Lumber Companies, was a former real estate broker and a real estate appraiser for the Veterans Administration for some 22 years; and

WHEREAS, Coach Burnum was a member and past president of the Exchange Club, a former director of the Tuscaloosa Chamber of Commerce, a member of the University's A-Club, the Quarterback Club and Tuscaloosa's Christ Episcopal Church; he also was actively involved through the years in numerous other of the civic and charitable affairs of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Coach Paul F. Burnum, of Tuscaloosa, Alabama, prominent civic leader and one of our state's most prominent citizens.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Burnum's wife, Mrs. Susie Burnum, to their son and daughter, Dr. John Burnum and Mrs. Paula Sue Burnum Hayes, and other family members that they may know we deeply share the sorrow of their great loss.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. deGraffenried and Robertson then offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. COMMENDING MISS JOANNE HENDERSON DONALDSON, MISS ALABAMA USA FOR 1981.

WHEREAS, the Alabama Legislature notes with utmost pride and pleasure that Miss JoAnne Henderson Donaldson, our own 1981 "Miss Alabama USA," placed sixth in the national Miss USA Pageant; and

WHEREAS, the lovely Miss Henderson, though now a resident of Birmingham, is a graduate of Tuscaloosa Academy and of the University of Alabama with a B.A. Degree in Public Relations; and

WHEREAS, during her high school years, Miss Henderson was both a junior high and varsity cheerleader and was a member of the volleyball, badminton, softball and gymnastics teams; she further participated in student government affairs, was class Salutatorian, a 3-year member of the National Honor Society, the recipient of senior and sophomore class Scholastic Honors and of scholastic awards in several other subjects including national honors in French; and

WHEREAS, Girls State representative, Teenboard President, Who's Who Among American High School Students, Top Model and Yearbook co-editor all number among Miss Henderson's many, many accomplishments; and

WHEREAS, at the University, Miss Henderson continued to excel in her studies and to participate in campus activities; she also was a Corolla Beauty, and Miss Tuscaloosa 1979, Miss Hall of Fame Bowl and Miss Alabama World were just a few of the many titles captured by this lovely, talented and accomplished young lady whose modeling photographs have appeared in a number of national magazines; and

WHEREAS, she also has participated in numerous charitable and community affairs, giving generously of her time in unselfish service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Miss JoAnne Henderson Donaldson and direct that she receive a copy of this resolution that she may know of our sincere pride and praise in her accomplishments and of our deep appreciation for the fame and honor she has brought to our state.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTION TO ADJOURN

Mr. Goodwin moved that when the Senate adjourns today, it adjourn to meet again on Thursday, October 1, 1981, at 11 o'clock A.M., which motion was adopted.

#### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hilliard:

S. 64. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration.

Committee on Governmental Affairs.

By Mr. Mitchem (with notice and proof):

S. 65. Relating to Marshall County; to provide for an additional expense allowance for the members of the board of equalization of said county and to repeal Act No. 81-511, S. 589, 1981 Regular Session (Acts 1981, p. 874).

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 65 as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Barron:

S. 66. To provide that any state employee who received a step increase limited under the provisions of Act 80-616, Regular Session 1980, shall be brought up to the normal step under the State Pay Plan.

Committee on Finance and Taxation.

By Mr. Barron:

S. 67. To prohibit public service commissioners from seeking election or being elected to any other office of profit during the term for which elected or appointed; to exempt any commissioner who seeks election to another office of profit, the term for which commences upon the expiration of his present term.

Committee on Governmental Affairs.

By Mr. Harrison:

S. 68. To create an additional judgeship for the fifteenth judicial circuit of Alabama; to provide for the election of a judge to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the fifteenth judicial circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. Teague:

S. 69. To amend further Section 41-16-100 of the Code of Alabama 1975, as amended, so as to provide for trade-in of certain state property by the state financial director.

Committee on Governmental Affairs.

By Mr. Teague:

S. 70. To authorize the division of purchases and stores of the finance department, with approval of the finance director, to delegate to all departments and agencies served by that division the right to make purchases not exceeding two hundred fifty dollars (\$250.00) without prior approval; authorizes the state comptroller to make payment therefor; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Mr. Mitchem (with notice and proof):

S. 71. Relating to Marshall County; to provide for an additional expense allowance for the members of the jury commission of said county and to repeal Act No. 81-512, S. 590, 1981 Regular Session (Acts 1981, p. 874).

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 71, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

### RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. MOURNING THE RECENT DEATH OF MR. CHARLES RALPH PAUL OF GENEVA, ALABAMA.

WHEREAS, the Legislature of Alabama is deeply saddened by the recent passing of Mr. Charles Ralph Paul of Geneva, Alabama, on September 18, 1981, at the age of 64; and

WHEREAS, Mr. Paul was a prominent member of the First United Methodist Church where he taught a Sunday school class for over thirty years and was a former chairman of the Administrative Board of the church; he was a former Lay Leader for the Alabama-West Florida Conference and initiated the lay speaking program; and

WHEREAS, a native of Pike County, he moved to Geneva in 1946 and had actively practiced law for thirty-five years; and

WHEREAS, Ralph Paul was one of Alabama's most distinguished attorneys and dedicated his career to the betterment of his fellow citizens of Geneva County and the entire state; and

WHEREAS, at the time of his death, he was secretary of the Geneva County Democratic Executive Committee and past president of the Geneva Rotary Club and the Geneva Chamber of Commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Charles Ralph Paul and extend our most heartfelt sympathy to his wife, Mrs. Jane Faulkner Paul and to their children.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to members of his family that they may know we deeply share the sorrow of their great loss.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. MOURNING THE DEATH OF MR. CHARLES COE OF SLOCOMB, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the very recent and untimely death of Mr. Charles Coe of Slocumb, Alabama, at the early age of just 47 years; and

WHEREAS, Mr. Coe, who was a member of the Slocumb Rescue Squad, was transporting a fatally injured child to a Dothan hospital when his death occurred as the result of an apparent heart attack; and

WHEREAS, a prominent member of his community, Charles Coe was active in civic service to others and in his involvement with all the rescue squads in his county in addition to his dedication to the Slocomb Squad which he had served for ten years and as secretary-treasurer at the time of his death; and

WHEREAS, he was a licensed CPR instructor with the American Health Association, an official paramedic for the Slocomb High School varsity football team, and was held in high regard and deep affection by his fellow citizens, neighbors and many friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply shocked and saddened by the untimely death of Mr. Charles Coe of Slocomb, Alabama, and direct that a copy of this resolution be sent to his family that they may know of our shared sorrow and of our concern for them in their time of such great grief.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. CONGRATULATING RIVIERA UTILITIES, FOLEY, ALABAMA, ON THE OPERATION OF ITS AWARD-WINNING WATER AND WASTEWATER DEPARTMENTS.

WHEREAS, Riviera Utilities of Foley, Alabama, has been cited by the Alabama Water and Pollution Control Association for excellence of operation of both the utility's water system and its wastewater treatment plant; and

WHEREAS, it is significant to note that since the inception of the AW&PCA Awards program, in 1961 for water departments and 1972 for wastewater plants, Riviera Utilities has been accorded top honors on 11 of 15 eligible occasions and six out of seven eligible years for each department, respectively; and

WHEREAS, such an outstanding record by the utility, which is owned by the City of Foley, is indeed indicative of sound management and of great pride in performance of duty on the part of all employees; and

WHEREAS, in concurrence with such prestigious statewide honors, this body also desires to recognize Riviera Utilities for its extraordinary accomplishments in providing the very best service possible to the citizens of the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Riviera Utilities of Foley, Alabama, which has consistently received singular recognition from among more than 1,000 water and wastewater systems in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Sewell St. John, General Manager of Riviera Utilities, with copies also provided for both the Water and Wastewater Departments evidencing our congratulatory praise of the utility's "Best Operated Plant" Awards.

On motion of Mr. Gullledge, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 11. HONORING DR. AUBREY R. McVAY UPON HIS RETIREMENT AS SUPERINTENDENT OF THE BALDWIN COUNTY SCHOOLS.

Also:

By Reps. Penry and McMillan:

H. J. R. 12. COMMENDING MRS. CATHERINE BARRETT OF FAIRHOPE, ALABAMA, 1981 "COUNSELOR OF THE YEAR."

Also:

By Rep. Dial:

H. J. R. 13. HONORING MR. JOEL THOMPSON UPON HIS RETIREMENT AS CLEBURNE COUNTY EXTENSION AGENT.

Also:

By Reps. Warren and McCorquodale:

H. J. R. 14. MOURNING THE DEATH OF FORMER MONROE COUNTY PROBATE JUDGE DAVID MILLER NETTLES.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gullidge, the Rules were suspended and the Resolutions, H. J. R. 's 11, 12, and 14, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carter and Roberts:

H. J. R. 4. CONDEMNING THE SAGINAW STEERING GEAR DIVISION OF GENERAL MOTORS FOR NOT UTILIZING MORE LOCAL LABOR AT THEIR LIMESTONE COUNTY INDUSTRIAL PLANTS.

WHEREAS, The Saginaw Steering Gear Division of General Motors recently opened new industrial plants in Limestone County; and



WHEREAS, These plants were opened under the provisions of the Wallace-Cater Act and were granted special tax considerations; and

WHEREAS, The Limestone County Commission and all of the local people and officials in Limestone County extended every courtesy and consideration and help possible to General Motors in the opening of their plants and

WHEREAS, it was unofficially agreed and understood that these plants would provide employment for the local labor force in Limestone County and the surrounding area; and

WHEREAS, these plants presently employ approximately 2,000 and have a prospective employment of approximately 4,500; and

WHEREAS, General Motors has seen fit to virtually renege on their unwritten promise to hire local labor, but is importing some of its labor from Northern states; and

WHEREAS, this is a considerable blow and affront to the highly productive labor force and great people of Limestone County and Northern Alabama; and whereas the local unemployment rate is up in Northern Alabama and an ample supply of labor is available; and

WHEREAS, the Legislature wishes to call the attention of the entire state and nation to the mistreatment of Limestone County tax payers and citizens of our surrounding counties by General Motors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do condemn General Motors for the actions they have taken and for their employment practices at their Saginaw Steering Gear Division Plants in Limestone County and do call upon the people of Alabama and their sister states to voice their opposition to the practice of preferential hiring outside of our local labor force.

BE IT FURTHER RESOLVED, That the Clerk of the House send copies of this resolution to the proper officials of General Motors.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 4, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hammett:

H. J. R. 20. COMMENDING COMMANDER DOYLE P. TAYLOR OF GANTT LAKE, COVINGTON COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 20, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Edwards and Warren:

H. J. R. 7. COMMENDING THE MACMILLAN BLOEDEL COMPANY OF PINE HILL, WILCOX COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Taylor, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 15. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADOPT A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH.

WHEREAS, the Soviet Union has exploited United States peace initiatives to build up its strategic and conventional warfare capabilities; and

WHEREAS, this has given the Soviet Union the means to support increasingly bolder world-wide aggression; and

WHEREAS, there is basis for concern that the Soviets may next use these forces in Pakistan, Iran and Yugoslavia; and

WHEREAS, the Soviet Union has demonstrated an unwillingness to live by international law; and

WHEREAS, the United States is the one world power that can stop the Soviet expansionism; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,

(a) That we urge the Congress of the United States to adopt a National Strategy of Peace Through Strength, the general principles of which would be:

(1) To inspire, focus and unite the national will and determination to achieve this goal of peace through freedom;

(2) to achieve overall military and technological superiority over the Soviet Union;

(3) to create a strategic defense and a civil defense which would protect United States citizens against nuclear war at least as well as the Soviets defend their citizens;

(4) to accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or locks the United States into a position of military inferiority;

(5) to re-establish effective security and intelligence capabilities;

(6) to pursue positive non-military means to roll back the growth of communism;

(7) to help our allies and other non-communist countries defend themselves against communist aggression; and

(8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

(b) That the Legislature acknowledges that it will take the combined efforts of hundreds of organizations to achieve the adoption of a National Strategy of Peace Through Strength.

(c) That the Legislature joins the Coalition for Peace Through Strength to work with other organizations and entities for the adoption of a National Strategy of Peace Through Strength, except that this Legislature reserves to itself the right to make its own decisions as to how the principles shall be applied on individual issues.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is directed to send copies of this resolution to each member of the Alabama Congressional Delegation; Mr. Zenon W. Dembitsky, 3050 Boxwood Drive, Montgomery, Alabama, 36111; and the Coalition for Peace Through Strength, Boston, Virginia 22713.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 16. NAMING THE BRIDGE ON ALABAMA HIGHWAY 39 WHICH SPANS THE TOMBIGBEE RIVER AT GAINESVILLE, ALABAMA, CONNECTING SUMTER AND GREENE COUNTIES, "THE BARNES ADUSTON ROGERS BRIDGE."

WHEREAS, Mr. Barnes Aduston Rogers is a native and lifelong resident of Sumter County, Alabama, and is one of his community's most prominent and outstanding citizens; and

WHEREAS, long active in the affairs of his beloved home county, Mr. Rogers is held in deep affection and esteem for his responsible civic involvement and for his care and concern for the betterment and well-being of his community; and

WHEREAS, it is the desire of this body that fitting tribute be paid to an extraordinary man whose works and deeds have profoundly benefitted his fellow citizens, neighbors and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we hereby name and designate the bridge on Alabama Highway 39 which spans the Tombigbee River at Gainsville, Alabama, connecting Sumter and Greene Counties, "The Barnes Aduston Rogers Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said bridge as "The Barnes Aduston Rogers Bridge."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Rogers as a memento of this honorary designation in tribute to his accomplishments and contributions on behalf of Sumter County and the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 17. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. BOOKER T. WASHINGTON ON THE CAPITOL GROUNDS.

WHEREAS, Booker T. Washington was a distinguished educator who brought great fame and worldwide recognition to the State of Alabama; and

WHEREAS, as the first president of Tuskegee Institute, Booker T. Washington nurtured the university in its infancy, moulding its direction and growth into one of the largest predominantly Black universities in the United States; and

WHEREAS, in gratitude for his brilliant accomplishments in the field of education, it is fitting that the State of Alabama pay tribute to an outstanding citizen of our state and that such memorial be appropriately placed so that students, out-of-state visitors and all Alabama citizens may be reminded of the extraordinary place in history held by Dr. Booker T. Washington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Historical Com-

mission is hereby directed to provide for the purchase or moulding, and for the placement on the capitol grounds, of a bust or statue of Booker T. Washington with an appropriate inscription thereon.

BE IT FURTHER RESOLVED, That expenses incurred for purchasing and placement of said bust or statue be paid out of funds from private donations, or from any other funds made available for said purpose.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 17, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, September 29, 1981, they adjourn to meet again on Wednesday, September 30, 1981; when they adjourn on Wednesday, September 30, 1981, they adjourn to meet again on Thursday, October 1, 1981, and when they adjourn on Thursday, October 1, they adjourn to meet again on Tuesday, October 6, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 18. DESIGNATING THE WEEK OF OCTOBER 19-25, 1981 as "CALHOUN COUNTY INDUSTRY WEEK".

WHEREAS, the Legislature of Alabama recognizes the many contributions that the industries of Calhoun County have made not only to the economy of both Calhoun County and the State of Alabama, but also to the people in gifts of time and talent to promote community progress; and

WHEREAS, it is with enthusiasm that we endorse the 6th annual "Industry on Parade" exhibition sponsored by the Calhoun County Chamber of Commerce, to be held at Quintard Mall, October 19-25, 1981; and

WHEREAS, we salute the joint enthusiasm of 59 industries and the Calhoun County Chamber of Commerce in their effort to enhance community awareness and appreciation for the diversity and impact of Calhoun County's industrial base; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in praise, we hereby designate the week of October 19-25, 1981, as "Calhoun County Industry Week" to honor and give distinction to such industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Calhoun County Chamber of Commerce and to each of the participating industries as evidence of our enthusiastic endorsement of their "Industry on Parade."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORTS OF COMMITTEES

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Parsons, Little, White, Harrison, Hall, Barron and Bailey (With Amendment):

S. 20. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Proctor:

S. 32. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

By Messrs. Martin, Smith, Lemaster, Denton, Mitchem, Keener, Vacca, McDonald and Cook:

S. 37. To amend Section 16-13-145 of the Code of Alabama 1975, relating to the funding of county and city boards of education, so as to authorize said boards to participate in the energy conservation financing programs of the Tennessee Valley Authority.

By Mr. Keener (By Request):

S. 46. To amend Section 16-13-71 of the Code of Alabama 1975, as amended, so as to provide that warrants issued by city or county boards of education pursuant to the provisions of Article 4 of Chapter 13 of Title 16 of said Code may bear interest at a rate or rates not exceeding 14% per annum and may be sold at a price yielding not exceeding 14%.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White and Martin:

S. 10. To amend Section 22-6-7, Code of Alabama 1975, so as to provide further for the letting of certain contracts by the Medicaid Agency of the State of Alabama.

By Messrs. White and Martin:

S. 11. To amend Section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

By Messrs. White and Holmes:

S. 12. To amend Section 6-5-33, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Keener, Denton, Bailey and Kirkland (With Amendments):

S. 29. To amend Section 32-7-5 and 32-7-6, Code of Alabama 1975, commonly known as the Motor Vehicle Safety Responsibility Act, so as to increase the security required, and to increase the amount of property damage which must be sustained to require an accident report be filed.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Harrison:

S. 26. To amend Section 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

By Mr. Teague:

S. 28. To require every railraod conductor and engineer who operates

a train in this state to carry on his person a qualification permit while on duty in train service.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Proctor, Keener, Denton and Cook (With Amendments):

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Keener (with notice and proof):

S. 8. Relating to the City of Gadsden; amending Section 1 of Act No. 63, H. 1, 1978 Second Special Session (Acts 1978, p. 1750), so as to provide further for the salaries of members of the board of commissioners.

By Mr. Kirkland (with notice and proof):

S. 9. Relating to Escambia County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags or decals for motor vehicles in such county.

By Mr. Weeks (with notice and proof):

S. 48. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

By Mr. Weeks (with notice and proof):

S. 49. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

By Mr. Proctor (with notice and proof):

S. 51. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

By Mr. Kirkland (with notice and proof):

S. 56. Relating to Escambia County; to amend Section 1, Section 4, and Section 6 of Act No. 81-841, H. 1056, 1981 Regular Session, relating to the county jury commission, so as to provide further for the board of appointment, and the compensation of the clerk and members of said commission.



By Mr. Little (with notice and proof):

S. 57. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

By Mr. Proctor (with notice and proof):

S. 58. Relating to the cities of Sylacauga, Talladega, Childersburg and Lincoln in Talladega County, Alabama; authorizing said cities at the sole discretion of their respective city councils to appropriate funds each fiscal year to pay for costs of the Talladega County District Court, Juvenile Division.

By Mr. Proctor (with notice and proof):

S. 59. Relative to Talladega County; to amend further Act No. 81-125, S. 101, 1981 Regular Session (Acts 1981), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of Juvenile Justice and Law Enforcement by increasing the costs and charges of Court.

By Mr. Gullledge (with notice and proof):

S. 60. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Keener (By Request) (with notice and proof) (With Amendment):

S. 61. Relating to the Thirty-second Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished by capitally or upon appeals to the circuit courts from lower courts.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White and Hall (with notice and proof):

S. 53. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

By Messrs. White and Hall (with notice and proof):

S. 54. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension

system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Mr. White (with notice and proof):

S. 55. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 2. DESIGNATING OCTOBER 10, 1981, AS "WILLIAM LEE GOLDEN DAY" IN ALABAMA.

Also:

S. J. R. 4. CONGRATULATING DR. RICHARD O. RUTLAND, JR., OF FAYETTE, THE "FAMILY DOCTOR OF THE YEAR".

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 18. COMMENDING MR. EUGENE C. STALLWORTH FOR OUTSTANDING COMMUNITY SERVICE.

Which was adopted.

#### ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. Parsons, in accordance with Joint Resolution and motion heretofore adopted, the Senate adjourned until Thursday, October 1, 1981, at 11 o'clock A.M.

THIRD LEGISLATIVE DAY  
THURSDAY, OCTOBER 1, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independent Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

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JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Glass for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. Relative to legislative meeting dates from Wednesday, September 30, 1981, through Tuesday October 6, 1981.

Also:

H. J. R. 7. COMMENDING THE MACMILLAN BLOEDEL COMPANY OF PINE HILL, WILCOX COUNTY, ALABAMA.

Also:

H. J. R. 11. HONORING DR. AUBREY R. McVAY UPON HIS RETIREMENT AS SUPERINTENDENT OF THE BALDWIN COUNTY SCHOOLS.

Also:

H. J. R. 12. COMMENDING MRS. CATHERINE BARRETT OF FAIRHOPE, ALABAMA, 1981 "COUNSELOR OF THE YEAR."

Also:

H. J. R. 13. HONORING MR. JOEL THOMPSON UPON HIS RETIREMENT AS CLEBURNE COUNTY EXTENSION AGENT.

Also:

H. J. R. 14. MOURNING THE DEATH OF FORMER MONROE COUNTY PROBATE JUDGE DAVID MILLER NETTLES.

Also:

H. J. R. 15. MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ADOPT A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH.

Also:

H. J. R. 16. NAMING THE BRIDGE ON ALABAMA HIGHWAY 39 WHICH SPANS THE TOMBIGBEE RIVER AT GAINESVILLE, ALABAMA, CONNECTING SUMTER AND GREENE COUNTIES, "THE BARNES ADUSTON ROGERS BRIDGE."

Also:

H. J. R. 18. DESIGNATING THE WEEK OF OCTOBER 19-25, 1981 AS "CALHOUN COUNTY INDUSTRY WEEK."

Also:

H. J. R. 20. COMMENDING COMMANDER DOYLE P. TAYLOR OF GANTT LAKE, COVINGTON COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 2. DESIGNATING OCTOBER 10, 1981, AS "WILLIAM LEE GOLDEN DAY" IN ALABAMA.

Also:

S. J. R. 4. CONGRATULATING DR. RICHARD O. RUTLAND, JR., OF FAYETTE, THE "FAMILY DOCTOR OF THE YEAR".

ALBERT McDONALD,  
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Denton (by request) (with notice and proof):

S. 72. Relating to Marion County; to further amend Act No. 80-128, H. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 72, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Higginbotham:

S. 73. To prescribe that all public school systems shall allow official recruiting representatives of the armed or military forces of the United States or of the state reasonable access to their facilities and students for the purpose of presenting recruiting programs, administering tests, and generally informing students on occupational and educational options.

Committee on Education.

By Mr. St. John:

S. 74. Proposing an amendment to the Constitution of 1901, providing for costs and charges of courts in Winston County.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Cook, Denton and Goodwin:

S. 75. To amend sections 41-4-180, 41-4-182 and 41-4-185 of the Code of Alabama 1975, so as to place capitol police officers under the auspices of a legislative committee, to remove the finance director's control over said officers and to transfer all appropriations.

Committee on Governmental Affairs.

By Mr. deGraffenried:

S. 76. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

Committee on Finance and Taxation.

By Mr. Smith:

S. 77. To amend Section 7 of Act No. 81-721, H. 769 of the 1981 Regular Session (Acts 1981, page 1227) which authorizes the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels, so as to grant the authority the power to convey to any private corporation for fair market value any real, personal or mixed property necessary or convenient to the authority in the performance of its duties.

Committee on Governmental Affairs.

By Messrs. Parsons, White, Cook, Harrison, Taylor, Kirkland, Little and Hall:

S. 78. To define the criminal offense of illegal possession of food stamps; to classify the degrees of such offense; and to prescribe punishment for the commission of such offense.

Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 13. MOURNING THE DEATH OF COACH PAUL F. BURNUM OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 14. COMMENDING MISS JOANNE HENDERSON DONALDSON, MISS ALABAMA USA FOR 1981.

Also:

S. J. R. 15. MOURNING THE RECENT DEATH OF MR. CHARLES RALPH PAUL OF GENEVA, ALABAMA.

Also:

S. J. R. 16. MOURNING THE DEATH OF MR. CHARLES COE OF SLOCOMB, ALABAMA.

Also:

S. J. R. 17. CONGRATULATING RIVIERA UTILITIES, FOLEY, ALABAMA, ON THE OPERATION OF ITS AWARD-WINNING WATER AND WASTEWATER DEPARTMENTS.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Venable and Bedsole:

H. J. R. 31. COMMENDING MR. JOHN STANLEY FRAZER UPON HIS RETIREMENT AS STATE PERSONNEL DIRECTOR.

Also:

By Reps. Harper (O), Venable and Turnham:

H. J. R. 32. HONORING MR. BENNIE D. LITTLE UPON HIS RETIREMENT AS CITY SUPERINTENDENT OF SCHOOLS, TALLASSEE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Messrs. Harrison, Barron, and Taylor, the Rules were suspended and the Resolution, H. J. R. 31, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Messrs. Harrison and Little, the Rules were suspended and the Resolution, H. J. R. 32, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Blake, Shoemaker, Moore and Smith (C):

H. J. R. 25. MOURNING THE DEATH OF MR. ROY T. GIBSON, PROMINENT ST. CLAIR COUNTIAN AND EDUCATOR.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 25, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hines:

H. J. R. 28. DESIGNATING OCTOBER 10, 1981, AS "WILLIAM LEE GOLDEN DAY" IN ALABAMA.

WHEREAS, Brewton, Alabama, is the hometown of William Lee Golden, one of the famous "Oak Ridge Boys," whose recordings consistently rank at the top of the charts; and

WHEREAS, along with his fellow "Oak Ridge Boys," Joe Bonsall, Richard Sterban and Duane Allen, Bill Golden will be in Brewton on October 10, 1981, to hold a "Harvest Jam" concert; and

WHEREAS, it is to be noted that Governor Fob James has proclaimed that date as "William Lee Golden Day" in Alabama, an honorary designation in appreciation of the fame and honor brought to our State by a distinguished native son; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in pleased accord with said proclamation, we hereby further designate October 10, 1981, as "William Lee Golden Day" in Alabama and direct that copies of this resolution be presented to William Lee Golden and to his father, Luke Golden, as a memento of the occasion and in token of our warm praise and regard.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 28, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 22. CONGRATULATING THE CITY OF CLANTON ON THE CENTENNIAL OF ITS FOUNDING.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 22, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Williams:

H. J. R. 10. CONGRATULATING AND COMMENDING THE OWNERS OF THE BEAUTIFUL NEW SHERATON RIVERFRONT STATION IN MONTGOMERY, ALABAMA.

Also:

By Rep. Zoghby:

H. J. R. 27. HONORING MR. F. M. "PHIL" REYES AS THE 1981 SENIOR CITIZEN OF THE YEAR OF THE MOBILE SENIOR CITIZENS SERVICES.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 10, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 26. PROVIDING FURTHER FOR THE AUTHORITY OF THE INTERIM COMMITTEE TO OVERSEE AND MONITOR THE STATE TELEPHONE SYSTEM.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in addition to any and all other powers, duties and authority heretofore provided by law, the continuing interim committee to oversee and monitor the state telephone system, created by Act No. 81-930, H. J. R. 53, 1981 First Special Session, the

committee shall have the authority to inspect and check into any surveillance or eavesdropping of any nature whatsoever affecting or potentially affecting the operation of state government, state officials or state employees.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 26, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 19. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the third legislative day of the second Special Session 1981 only:

#### BILL NO. PAGE NO. DESCRIPTION

S. B. 1                      5      Reapportionment, Legislature

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

### BILLS ON THIRD READING

The Bill:

S. 8. Relating to the City of Gadsden: amending Section 1 of Act No. 63, H. 1, 1978 Second Special Session (Acts 1978, p. 1750), so as to provide further for the salaries of members of the board of commissioners.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Gulledge	McDonald	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Hilliard	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:*

—0

The Bill:

S. 9. Relating to Escambia County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags or decals for motor vehicles in such county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

SECOND EXTRAORDINARY SESSION  
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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Proctor	White
Denton	Kirkland		

—25

*Nays:*

—0

The Bill:

S. 48. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Holmes	Parsons	Teague
Cook	Keener	Pearson	Weeks
Denton	Lemaster		

—25

*Nays:*

—0

The Bill:

S. 51. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Cook	Holmes	Proctor	Weeks
Denton	Keener	St. John	White
Figures	Little		

—25

*Nays:*

—0

The Bill:

S. 56. Relating to Escambia County; to amend Section 1, Section 4, and Section 6 of Act No. 81-841, H. 1056, 1981 Regular Session, relating to the

county jury commission, so as to provide further for the board of appointment, and the compensation of the clerk and members of said commission.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Proctor
Bailey	Figures	Kirkland	Smith
Barron	Goodwin	Little	Taylor
Britnell	Gulledge	Martin	Vacca
Callahan	Hall	Miller	Weeks
Cook	Harrison	Parsons	White
deGraffenried	Hilliard		

—25

*Nays:*

—0

The Bill:

S. 57. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith
Barron	Hall	Mitchem	Taylor
Britnell	Holmes	Parsons	Teague
Cook	Keener	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Little	St. John	White
Goodwin	McDonald		

—25

*Nays:*

—0

The Bill:

S. 58. Relating to the cities of Sylacauga, Talladega, Childersburg and Lincoln in Talladega County, Alabama; authorizing said cities at the sole discretion of their respective city councils to appropriate funds each fiscal year to pay for costs of the Talladega County District Court, Juvenile Division.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

SECOND EXTRAORDINARY SESSION  
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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Teague
Callahan	Holmes	Mitchem	Weeks
Cook	Kirkland	Parsons	White
Denton	Lemaster		

—25

*Nays:*

—0

The Bill:

S. 59. Relative to Talladega County; to amend further Act No. 81-125, S. 101, 1981 Regular Session (Acts 1981), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of Juvenile Justice and Law Enforcement by increasing the costs and charges of Court.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Goodwin	Martin	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Miller	Teague
Callahan	Holmes	Mitchem	Weeks
Cook	Kirkland	Parsons	White
Denton	Lemaster		

—25

*Nays:*

—0

The Bill:

S. 60. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Gulledge	McDonald	Teague
Britnell	Harrison	Miller	Vacca
Callahan	Hilliard	Proctor	Weeks
Cook	Holmes	St. John	White
deGraffenried	Keener		

—25

*Nays:*

—0

The Bill:

S. 61. Relating to the Thirty-second Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished by capitally or upon appeals to the circuit courts from lower courts.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 61, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 61

On page one, in line 16 after the word "punished" delete the word "by".

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	St. John	
Bailey	Goodwin	Little	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

And said Bill, S. B. 61, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	St. John	
Bailey	Goodwin	Little	Taylor	
Barron	Gulledge	Martin	Teague	
Britnell	Hall	Miller	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 53. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Hilliard	Miller	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—25

*Nays:*

—0

The Bill:

S. 54. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Hilliard	Miller	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—25

*Nays:*

—0

The Bill:

S. 55. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Hilliard	Miller	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Lemaster		

—25

*Nays:*

—0

## SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

The Standing Committee on Judiciary offered the following amendment to the Bill, S. B. 1, to-wit:

## COMMITTEE AMENDMENT NO. 1 TO S. B. 1

On page 64, line 13, delete the language:

3, 4, 5,

On page 16, following line 11, insert the following language:

Block Group 3, 4, 5

On page 66, after line 15, insert the following language:

except for Block Group 2, 3, 4

On page 68, after line 32, insert the following language:

Tract 0017, Block Groups 2, 3, 4

On page 68, lines 18 and 19, delete the following language:

312, 313, 314, 315, 317, 510, 516, 517, 518, 519, 530

On page 68, following line 30, insert the following language:

All except Blocks 103, 104, 105, 106, 107, 415, 416, 417, 418, 501, 502, 503, 504, 505, 506, 507

On page 68, lines 9 and 10, delete the following language:

Tract 0007, Block Group 1, 2, 3, 4

On page 64, line 19, after the language "725" insert the following language:

, 312, 313, 314, 315, 317, 510, 516, 517, 518, 519, 530

On page 64, following line 33 insert the following language:

Tract 0014, Blocks 103, 104, 105, 106, 107, 501, 502, 503, 504, 505, 506, 507, 415, 416, 417, 418

On page 64, on line 15, after the language "7" insert the following language:

, 1, 2, 3, 4

Mr. Barron moved that said amendment be laid on the table, which motion lost.

Yeas 5; Nays 7.

Abstaining 3.

Yeas:

Messrs.: Barron, Goodwin, Higginbotham, Taylor and White.

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*Nays:*

Messrs.: Bailey	Figures Harrison	Hilliard Kirkland	Pearson Teague	—7
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*Abstaining:* Messrs.: Miller, Mitchem and Parsons. —3

And on motion of Mr. Proctor, said amendment was then adopted.

Yeas 8; Nays 3.

Abstaining 1.

*Yeas:*

Messrs.: Figures Harrison	Hilliard Kirkland Lemaster	Mitchem Teague	Vacca	—8
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*Nays:* Messrs.: Barron, Taylor and White. —3

*Abstaining:* Mr. Miller. —1

The Standing Committee on Judiciary then offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

COMMITTEE AMENDMENT NO. 2 TO S. B. NO. 1, AS AMENDED,

On page 77, House District 94, strike lines 24, 25, 26, 27, 28, 29, 30, 31 and 32 in their entirety and insert in lieu thereof the following: All of the Daphne Division except Blocks 101 through 138, 146 through 155, 199, 209 through 217, 219 through 223, in the Remainder of Daphne Division, and on Page 78, House District 95, strike lines 9, 10, 11, 12, 13, 14 and 15 and in lieu thereof insert the following:

Bay Minette Division  
Elberta Division  
Summerdale Division  
All of Robertsedale Division  
Remainder of Daphne Division

Blocks 101 through 138, 146 through 155, 199, 209 through 217, 219 through 223

Which was adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs.: Barron deGraffenried Denton Gulledge	Hall Harrison Keener Kirkland McDonald	Mitchem Parsons Proctor Robertson	Teague Vacca Weeks White	—17
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*Nays:* —0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 1, as amended, to-wit:

COMMITTEE AMENDMENT NO. 3 TO S. B. 1, AS AMENDED

Amend Senate Bill 1 on page 72, line 16, by striking line 16 in its entirety.

Which was adopted.

Yeas 14; Nays 0.

*Yeas:*

Messrs.:	Holmes	Parsons	Teague	
deGraffenried	Keener	Proctor	Vacca	
Hall	Kirkland	Robertson	White	
Harrison	McDonald	Taylor		—14

*Nays:* —0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 1, as amended, to-wit:

COMMITTEE AMENDMENT NO. 4 TO S. B. 1, AS AMENDED

On page 74, House District 87, delete line 13 in its entirety and insert in lieu thereof:

Sawyerville Division  
Stewart-Akron Division

On page 74, House District 88, delete in their entirety lines 24 and 25 and insert in lieu thereof:

Moundville Division

On motion of Mr. Proctor, said amendment was postponed temporarily.

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 1, as amended, to-wit:

COMMITTEE AMENDMENT NO. 5 TO S. B. 1, AS AMENDED

Make the following changes in Section 1:

On page 11, line 8, delete the number "0015" and insert in lieu thereof:  
0115

On page 11, line 15, between the words "except" and "blocks", insert the words: in Gardendale-Gardendale Division, Block Group 1,

On page 11, immediately following line 19, insert the following language: Tract 112.04—Block Group 9, Blocks 958, 957, 955, 954, 952, 951, 950, 939, 938, 937, 936, 934, 925, 923, 959.

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On page 11, delete lines 20 and 21 entirely.

On page 12, line 8, after the word "except", insert the word and comma: Birmingham,

On page 12, line 22, delete the words and punctuation, ", except in Block Group 1, blocks 109,"

On page 12, delete lines 23 and 24 entirely.

On page 24, delete lines 29, 30, 31, 32 entirely.

On page 26, delete lines 29 and 30.

On page 26, line 34, insert the following figures and punctuation and phrases: , except 315, 337, 338, 339, 340, 341 and 342.

On page 27, line 13, before the word "Birmingham" add the word and punctuation: Birmingham-

On page 28, delete line 21.

On page 28, delete lines 33, 34 and 35, and insert in lieu thereof the following: Blocks 968 and 917.

On page 28, line 37, before the word "Block", insert the language: Gardendale-Gardendale Division

On page 29, delete line 8 and insert in lieu thereof: Tract 120.01

On page 36, delete line 8 and insert in lieu thereof: Tract 0120.02

On page 42, line 10, after the word "except" insert the word: blocks

On page 44, delete lines 9, 10, 11 and 12 entirely, and insert in lieu thereof: Tract 0127.02, Block Group 1, Blocks 104, 105, 106, 108, 109, 114, 115, 116, and 118; Tract 0111.05 in the Remainder of Trussville Division,

Which was adopted.

Yeas 12; Nays 0.

Yeas:

Messrs.:	Harrison	Mitchem	Teague
Barron	Keener	Proctor	Vacca
deGraffenried	Kirkland	St. John	White
Hall			

—12

Nays:

—0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 1, as amended, to-wit:

COMMITTEE AMENDMENT NO. 6 TO S. B. 1, AS AMENDED

Amend Senate Bill No. 1, Page 31, Line 8, by inserting "Block Group 1" after the words "Tract 0040".

Further amend Senate Bill No. 1 on Page 31 by striking "Block Group 5" on line 12 and further amend Senate Bill No. 1 by striking the words "Block Group 6" on line 13, and further amend Senate Bill No. 1 on line 14 after the words "Block Group 7" by adding the following "except Blocks 716 and 717".

Further amend Senate Bill No. 1 commencing on line 28 by adding the following:

"Tract 0030.02" "Block Group 2" "Block Group 4"

Which was adopted.

Yeas 15; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
deGraffenried	Keener	Proctor	Vacca	
Denton	Kirkland	St. John	White	—15

*Nays:* —0

The Standing Committee on Judiciary then reported the following amendment to the Bill, S. B. 1, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 7 TO S. B. 1 AS AMENDED

Amend Senate Bill No. 1, Page 38, Line 17, by striking out "Block Group 2".

Further amend S. B. No. 1, Page 38, by striking line No. 18 "Block Group 4"

Further amend Senate Bill No. 1 on page 38, Line 25, by striking the numeral "1" after the words "Block Group" and inserting in lieu thereof the numeral "5".

Further amend Senate Bill No. 1, Page 38, on Line 26 as follows: "Block Group 6"; "Block Group 7"; "Blocks 716 and 717 only".

Which was adopted.

Yeas 15; Nays 0.

*Yeas:*

Messrs.:	Hall	Mitchem	Teague	
Barron	Harrison	Proctor	Vacca	
deGraffenried	Keener	St. John	Weeks	
Denton	Miller	Taylor	White	—15

*Nays:* —0

Mr. Holmes offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

#### AMENDMENT TO S. B. 1, AS AMENDED

Amend S. B. No. 1, Page 50 Line 23, by striking out Ohatchie Division and inserting "Ohatchee Division"

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Which was adopted.

Yeas 14; Nays 0.

*Yeas:*

Messrs.:	Holmes	Proctor	Teague
deGraffenried	Keener	Robertson	Vacca
Denton	Mitchem	St. John	Weeks
Hall	Parsons	Smith	—14

*Nays:* —0

The Senate proceeded to further consideration of the Committee amendment No. 4, to the Bill, S. B. 1, as amended.

On motion of Mr. Robertson, said amendment was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Howard and Lewis (with notice and proof):

H. 19. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 19, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Warren (with notice and proof):

H. 55. Relating to Conecuh County; providing an additional clerk-hire allowance for the tax collector and specifically repealing Act No. 471, H. 1265 of the 1975 Regular Session of the Legislature (Acts 1975, p. 1095) and Act No. 79-648 of the 1979 Regular Session of the Legislature (Acts 1979, p. 1128) and all other laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 55, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 61. Relating to the fourteenth judicial circuit; regulating certain salary increases for certain personnel in the district attorney's office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 61, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 65. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 65, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 62. Relating to Walker County; providing further for the compensation of the clerk of the jury commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 62, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 63. To amend Section 2 of Act No. 464, H. 1238 of the 1977 Regular Session of the Legislature (Acts 1977, p. 603) relating to the salary of the investigator for the district attorney's office in the fourteenth judicial circuit so as to provide further for such salary.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 63, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Drinkard and Adams (H) (with notice and proof):

H. 66. To authorize the Etowah County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county

general fund; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; and to prescribe penalties for the violations of the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 66, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Harper (O) and Turnham (with notice and proof):

H. 67. Relating to Tallapoosa County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Jacksons' Gap in said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 67, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Edwards and Grouby (with notice and proof):

H. 70. To alter, rearrange and extend the boundary lines and corporate limits of the town of Fort Deposit in Lowndes County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 70, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Venable (with notice and proof):

H. 75. Relating to Elmore County; to amend section 5 of Act No. 983, H. 1019, Regular Session 1971, (Acts 1971, p. 1755) relating to the taxation of certain alcoholic beverages in said county, so as to provide further for such tax, and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 75, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 19. To the Committee on Local Legislation No. 2.

H. B's 55, 61, 62, 63, 66, 67, 70, and 75. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed (with notice and proof):

H. 64. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 64, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 64. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dial (with notice and proof):

H. 33. Relating to Cleburne County; providing further for the treating, depositing, dumping, the site or transporting of industrial waste in the county; creating the Cleburne County Industrial Waste Committee and providing for the composition of such committee, the selection of the membership, terms of office, powers and duties; providing for meetings and transaction of business; prescribing public hearings on all proposed activities and sites for such wastes and recommendation therefor by the committee to the appropriate state agencies; and specifically providing that no provision of this act shall be construed to amend or repeal any general law relating to regulating hazardous or solid wastes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 33, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 33. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, Pegues, Clark (G) and Minus (with notice and Proof):

H. 6. To provide further for the 17th Judicial Circuit; to provide for an expense allowance for the district court judges of the 17th Judicial Circuit to be paid by the counties comprising the circuit; to repeal conflicting laws; to specifically repeal Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), both as last amended, establishing the Sumter County Court of Record, so as to abolish such court.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Ward and Laird (with notice and proof):

H. 13. Relating to the City of Valley in Chambers County; to provide further for the police jurisdiction.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 13, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (Roy) (with notice and proof):

H. 16. To amend Sections 2, 3, and 6 of Act No. 80-780, S. 569, 1980 Regular Session (Acts 1980, p. 1615), relating to the levying of court costs in Tuscaloosa County, so as to provide further for the use of such court costs and to delete the provision placing a ceiling on the amount which may be collected as well as the provision requiring the creation of an additional district judgeship.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 16, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Howard (with notice and proof):

H. 17. Relating to Tuscaloosa County; providing further for the compensation of the Tuscaloosa County Commission, except for the probate judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 17, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Howard (with notice and proof):

H. 18. Relating to Tuscaloosa County; providing further for the compensation of the mayor and associate commissioners.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 18, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Clark (G) and Manley (with notice and proof):

H. 24. To give the county commission of Greene County the authority to increase certain clerk hire allowances and to provide for the purchase of certain office equipment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 24, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Clark (G) and Manley (with notice and proof):

H. 25. Relating to Greene County; to further provide for the per diem of members of the County Board of Equalization.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 25, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 28. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 28, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Bowling (with notice and proof):

H. 38. Relating to Cullman County; amending Section 1 of Act No. 711, H. 1109 of the 1976 Regular Session (Acts 1976, p. 991), relating to costs and charges in criminal cases, so as to further define such costs shall apply in municipal as well as other courts in the county and circuit, and to further prescribe the amount and expenditure of said costs.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 38, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McCorquodale (with notice and proof):

H. 40. Relating to Clarke County; amending Section 2 and repealing Section 3 of Act No. 446, H. 244, Regular Session 1975 (Acts of Alabama 1975, p. 1068), which act provides a clerk-hire allowance for the tax assessor, so as to change the manner of payment of such clerk.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 40, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Roberts and Patton (with notice and proof):

H. 41. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Priceville, Alabama, for the conduct of a general banking and trust business.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 41, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 6, 13, 16, 17, 18, 24, 25, 28, 38, 40, and 41. To the Committee on Local Legislation No. 1.

## REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mitchem (with notice and proof):

S. 65. Relating to Marshall County; to provide for an additional expense allowance for the members of the board of equalization of said county and to repeal Act No. 81-511, S. 589, 1981 Regular Session (Acts 1981, p. 874).

By Mr. Mitchem (with notice and proof):

S. 71. Relating to Marshall County; to provide for an additional expense allowance for the members of the jury commission of said county and to repeal Act No. 81-512, S. 590, 1981 Regular Session (Acts 1981, p. 874).

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (with notice and proof):

S. 7. To provide funds to the Birmingham-Jefferson Transit Authority, or such other public transit authority as may be organized under the provisions of Act 993 of the 1971 Regular Session of the Legislature of Alabama, by requiring Jefferson County and certain municipalities situated therein to pay to the said Transit Authority certain percentages of the first one cent per dollar of sales tax and use tax collected by said county and municipalities in which public transit service shall be provided by such Authority, to be used by said Authority for the providing of facilities and equipment, for the paying of debts and expenses incurred in connection with or related to its providing of such public transit services, to provide for payments by municipalities having no sales or use tax, to authorize and provide for public transit service in municipalities affected by the Act, to make this Act cumulative to other provisions for funding public transit services, and to provide for the severability of invalid or unenforceable provisions of the Act.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 49. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Proctor
Bailey	Hilliard	McDonald	St. John
Barron	Holmes	Miller	Smith
Britnell	Keener	Mitchem	Taylor
Cook	Kirkland	Parsons	Teague
Denton	Lemaster	Pearson	Weeks
Figures	Little		

—25

*Nays:* —0

RECESS

At 12:30 P.M., on motion of Mr. St. John, the Senate took a recess until 1:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended, to-wit:

Mr. Robertson offered the following amendment to the bill, S. B. 1 as amended, to-wit:

AMENDMENT TO S. B. 1, AS AMENDED

In House District 87, page 74, delete the language on line 13 and insert in lieu thereof: Sawyerville Division

In House District 88, page 74, delete the language on line 24 and insert in lieu thereof: Moundville Division

Which was adopted.

Yeas 21; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Hall	Kirkland	Taylor
Callahan	Harrison	Pearson	Teague
Cook	Higginbotham	Proctor	Vacca
deGraffenried	Hilliard	Robertson	Weeks
Denton	Holmes	St. John	White
Goodwin	Keener		

—21

*Nays:* —0

*Abstaining:* Mr. Barron.

—1

Mr. Harrison offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

## AMENDMENT TO S. B. 1, AS AMENDED

In House District 83: On page 70, line 29, delete the language "Tract 0031"

In House District 78: On page 65, line 26, add the language: Tract 0031

In House District 81: On page 68, line 24, delete the figures "1,2" and insert in lieu thereof: Blocks 603, 205, 206, 207, 208, 601, 608, 602, 208, 210, 301, 302, 303, 709, 106, 107, 108, 109, 110, 111, 604, 605, 204, 203, 202, 201, 710, 105, 104, 103, 102, 101

In House District 83: On page 70, line 28, after the figure "305", insert the following figures: 603, 205, 206, 207, 601, 602, 210, 301, 302, 303

In House District 80: On page 67, line 24, after the language "Tract 0059.02" insert the following language: ,except Block 211 (Hope Hull Div.)

In House District 83: On page 70, after line 21, insert the following language: Tract 0059.02; Block 211

In House District 78, page 65, line 20, delete the language: "Tract 0054.05"

In House District 81, page 68, line 33, insert the following language: Tract 0054.05

On motion of Mr. Taylor, said amendment was laid on the table.

Yeas 3; Nays 2.

*Yeas:* Messrs.: Barron, Cook and Taylor.

—3

*Nays:* Messrs.: Harrison and Robertson.

—2

Mr. Gullledge offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

## AMENDMENT TO S. B. 1, AS AMENDED

On Page 79, line 3, pertaining to House District 96, strike the language "96" and insert in lieu thereof the language: 97

On page 80, line 3, pertaining to house District 96, strike the language "96" and insert in lieu thereof the language: 97

On page 81, line 5, pertaining to House District 97, strike the language "97" and insert in lieu thereof the language: 96

On page 82, line 6, pertaining to House District 97, strike the language "97" and insert in lieu thereof the language: 96

## MOTION TO ADJOURN LOST

At 2:45 P.M., Mr. Callahan moved that the Senate adjourn until Tuesday, October 6, 1981, at 1 o'clock P.M., which motion was lost.

SECOND EXTRAORDINARY SESSION  
3rd Day

65

Yeas 12; Nays 14.

*Yeas:*

Messrs.:	Gulledge	Hilliard	St. John
Callahan	Hall	Pearson	Smith
Figures	Harrison	Robertson	Vacca
Goodwin			

—12

*Nays:*

Messrs.:	deGraffenried	Keener	Taylor
Bailey	Denton	McDonald	Teague
Barron	Higginbotham	Miller	White
Cook	Holmes	Proctor	

—14

RECESS

At 2:50 P.M., on motion of Mr. Proctor, the Senate took a recess until 3:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended. The question was on the amendment offered by Mr. Gulledge.

On motion of Mr. Parsons, further consideration of the Bill, S. B. 1 and pending amendment was postponed temporarily.

The Bill:

S. 20. To require the reporting of property damage and physical assaults on teachers, other school employees and students in public schools; to provide penalties for failure to report said incidents; and to provide for an effective date.

was taken up.

The Standing Committee on Education reported the following amendment to the Bill, S. B. 20, to-wit:

COMMITTEE AMENDMENT TO S. B. 20

Amend S. B. 20 by deleting in its entirety Section 3 and by substituting in lieu thereof the following:

Section 3. Principals shall file a report within 72 hours after being made aware of the incident by submitting to the superintendent a written description of the incident. The superintendent shall furnish a copy of the report to the sheriff, the district attorney, members of the board of education, and the state superintendent of education.

Further amend by deleting in Section 8 the figure 1981 and substituting in lieu thereof the figure 1982.

Which was adopted.

Yeas 17; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Hall	Mitchem	Taylor	
Bailey	Higginbotham	Parsons	Vacca	
Barron	Holmes	Proctor	Weeks	
Denton	Martin	Robertson	White	
Goodwin	Miller			—17

*Nays:* —0*Abstaining:* Mr. Hilliard. —1

And said Bill, S. B. 20, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Gulledge	McDonald	Robertson	
Bailey	Hall	Miller	Taylor	
Barron	Harrison	Mitchem	Vacca	
Cook	Higginbotham	Parsons	Weeks	
Denton	Holmes	Proctor	White	
Goodwin	Martin			—21

*Nays:* —0*Abstaining:* Mr. Hilliard. —1

The Bill:

S. 32. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Mitchem	Taylor	
Bailey	Holmes	Parsons	Teague	
Barron	Keener	Proctor	Vacca	
Denton	Martin	Robertson	Weeks	
Goodwin	McDonald	St. John	White	
Hall	Miller	Smith		—22

*Nays:* —0

## RESOLUTION

Mr. Higginbotham offered the following Senate Resolution, to-wit:



S. R. 20. MOURNING THE DEATH OF MR. J. FRANK CULPEPPER OF OPELIKA, ALABAMA.

Which was adopted.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 4. CONDEMNING THE SAGINAW STEERING GEAR DIVISION OF GENERAL MOTORS FOR NOT UTILIZING MORE LOCAL LABOR AT THEIR LIMESTONE COUNTY INDUSTRIAL PLANTS.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 13. MOURNING THE DEATH OF COACH PAUL F. BURNUM OF TUSCALOOSA, ALABAMA.

Also:

S. J. R. 14. COMMENDING MISS JOANNE HENDERSON DONALDSON, MISS ALABAMA USA FOR 1981.

Also:

S. J. R. 15. MOURNING THE RECENT DEATH OF MR. CHARLES RALPH PAUL OF GENEVA, ALABAMA.

Also:

S. J. R. 16. MOURNING THE DEATH OF MR. CHARLES COE OF SLOCOMB, ALABAMA.

Also:

S. J. R. 17. CONGRATULATING RIVIERA UTILITIES, FOLEY, ALABAMA, ON THE OPERATION OF ITS AWARD-WINNING WATER AND WASTEWATER DEPARTMENTS.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### ADJOURNMENT

At 4:15 P.M., on motion of Mr. Goodwin, in accordance with Resolution heretofore adopted, the Senate adjourned until Tuesday, October 6, 1981, at 1:05 P.M.

Yeas 18; Nays 10.

#### *Yeas:*

Messrs.:	Goodwin	Hilliard	St. John	
Bailey	Gulledge	Miller	Smith	
Callahan	Hall	Mitchem	Taylor	
Denton	Harrison	Parsons	Vacca	
Figures	Higginbotham	Pearson		—18

#### *Nays:*

Messrs.:	deGraffenried	Martin	Robertson	
Barron	Holmes	McDonald	White	
Cook	Keener	Proctor		—10

## FOURTH LEGISLATIVE DAY

TUESDAY, OCTOBER 6, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by Doctor Wayne Fields, Pastor, First Baptist Church, Grand Bay, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 4. CONDEMNING THE SAGINAW STEERING GEAR DIVISION OF GENERAL MOTORS FOR NOT UTILIZING MORE LOCAL LABOR AT THEIR LIMESTONE COUNTY INDUSTRIAL PLANTS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 10. CONGRATULATING AND COMMENDING THE OWNERS OF THE BEAUTIFUL NEW SHERATON RIVERFRONT STATION IN MONTGOMERY, ALABAMA.

Also:

H. J. R. 22. CONGRATULATING THE CITY OF CLANTON ON THE CENTENNIAL OF ITS FOUNDING.

Also:

H. J. R. 25. MOURNING THE DEATH OF MR. ROY T. GIBSON, PROMINENT ST. CLAIR COUNTIAN AND EDUCATOR.

Also:

H. J. R. 26. PROVIDING FURTHER FOR THE AUTHORITY OF THE INTERIM COMMITTEE TO OVERSEE AND MONITOR THE STATE TELEPHONE SYSTEM.

Also:

H. J. R. 27. HONORING MR. F. M. "PHIL" REYES AS THE 1981 SENIOR CITIZEN OF THE YEAR OF THE MOBILE SENIOR CITIZENS SERVICES.

Also:

H. J. R. 28. DESIGNATING OCTOBER 10, 1981, AS "WILLIAM LEE GOLDEN DAY" IN ALABAMA.

Also:

H. J. R. 31. COMMENDING MR. JOHN STANLEY FRAZER UPON HIS RETIREMENT AS STATE PERSONNEL DIRECTOR.

Also:

H. J. R. 32. HONORING MR. BENNIE D. LITTLE UPON HIS RETIREMENT AS CITY SUPERINTENDENT OF SCHOOLS, TALLASSEE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Callahan, St. John, White, and deGraffenried:

S. 79. To create an interim committee to be known as the Alabama Housing Finance Authority Appropriations Interim Committee; to prescribe the composition and appointment of the membership; to prescribe the committee's powers and duties; to provide for the election of a chairman and vice chairman of the committee and its organization, meetings and conduct of business; to make a conditional appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Housing Finance Authority for its operational purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

Committee on Finance and Taxation.

By Mr. White:

S. 80. To provide further for requirements in the redemption of land sold for taxes, so as to prescribe that certain lawful charges shall be paid to the purchaser or vendee, including the State of Alabama, in the same manner as Section 6-5-235, 6-5-236, 6-5-237 and 6-5-244 of the Code of Alabama 1975.

Committee on Judiciary.

By Mr. White (with notice and proof):

S. 81. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 81, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Teague:

S. 82. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive October 1, 1980.

Committee on Governmental Affairs.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Grouby, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 37. MOURNING THE DEATH OF MISS MITTIE WILEY MILLER OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 37, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 35. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Tuesday, October 6, 1981, they adjourn to meet again on Wednesday, October 7; when they adjourn on Wednesday, October 7, they adjourn to meet again on Thursday, October 8; and when they adjourn on Thursday, October 8, they adjourn to meet again on Tuesday, October 13, 1981.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 35, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## RESOLUTIONS

Messrs. Smith and McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. STRONGLY URGING THE HIGHWAY DEPARTMENT TO PLACE WARNING GATES AND OVERHEAD WARNING SIGNALS AT THE JORDAN LANE RAILROAD CROSSING IN HUNTSVILLE, ALABAMA, AND REQUESTING A DETAILED EXPLANATION TO THE LEGISLATURE IF SUCH ACTIONS ARE NOT TAKEN.

WHEREAS, the recent tragic collision of a train and a gasoline truck on Jordan Lane nearest Governors Drive intersection in Huntsville, Alabama, resulted in the deaths of seven (7) persons; and

WHEREAS, the Legislature feels that the public outcry mandates that action be taken to avoid a similar tragedy in the future; and

WHEREAS, the public demands adequate protection at this crossing in the form of adequate overhead warning signals and safety lowering gates on Jordan Lane as well as a warning signal on the turn lane of Governors Drive onto Jordan Lane; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislative body strongly urges the highway department to install said overhead warning signals and safety lowering gates on Jordan Lane and warning signals on the said turning lane of Governors Drive; and, in the absence of such action, that this body receive a full and detailed explanation of why such actions were not taken.

RESOLVED FURTHER, That a copy of this resolution be sent to the state highway department director.

On Motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Denton offered the following Senate Resolution, to-wit:

S. R. 22. HONORING MR. DEWEY DENTON OF COLBERT COUNTY, ALABAMA.

Which was adopted.

#### BILLS ON THIRD READING

The Bill:

S. 65. Relating to Marshall County; to provide for an additional expense allowance for the members of the board of equalization of said county and to repeal Act No. 81-511, S. 589, 1981 Regular Session (Acts 1981, p. 874).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Hilliard	Mitchem	Teague
Britnell	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Kirkland	St. John	White
Figures	Little		

—25

Nays:

—0

The Bill:

S. 71. Relating to Marshall County; to provide for an additional expense allowance for the members of the jury commission of said county and to repeal Act No. 81-512, S. 590, 1981 Regular Session (Acts 1981, p. 874).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 7. To provide funds to the Birmingham-Jefferson Transit Authority, or such other public transit authority as may be organized under the provisions of Act 993 of the 1971 Regular Session of the Legislature of Alabama, by requiring Jefferson County and certain municipalities situated therein to pay to the said Transit Authority certain percentages of the first one cent per dollar of sales tax and use tax collected by said county and municipalities in which public transit service shall be provided by such Authority, to be used by said Authority for the providing of facilities and equipment, for the paying of debts and expenses incurred in connection with or related to its providing of such public transit services, to provide for payments by municipalities having no sales or use tax, to authorize and provide for public transit service in municipalities affected by the Act, to make this Act cumulative to other provisions for funding public transit services, and to provide for the severability of invalid or unenforceable provisions of the Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Hall	McDonald	Smith	
Britnell	Harrison	Miller	Taylor	
Callahan	Hilliard	Parsons	Vacca	
deGraffenried	Holmes	Pearson	Weeks	
Denton	Keener			—25

Nays: Messrs.: Cook and White. —2



BILLS ON THIRD READING RESUMED

The Bill:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

as amended, was taken up.

The question was on the amendment offered by Mr. Gullledge, which said amendment is set out in the Journal of the Senate for the Third Legislative Day.

On motion of Mr. Gullledge, said amendment was laid on the table.

Mr. Gullledge then offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

AMENDMENT TO S. B. 1, AS AMENDED

In Senate District 32, on page 96, line 9, strike the language "96" and insert in lieu thereof the language: 97

In Senate District 33, on page 96, line 11, strike the language "97" and insert in lieu thereof the language: 103

In Senate District 34, on page 96, line 13, strike the language "102" and insert in lieu thereof the language: 96

In Senate District 35, on page 96, line 15, strike the language "103" and insert in lieu thereof the language: 102

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith
Britnell	Gullledge	Mitchem	Vacca
Callahan	Keener	Proctor	Weeks
deGraffenried	Lemaster	Robertson	White
Denton	Little	St. John	—18

*Nays:* —0

Mr. Gullledge then offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

AMENDMENT TO S. B. 1, AS AMENDED

In Section 1 on page 76, on line 10 after the words "Millry Division" insert:

except Enumeration District 126T

In Section 1, on page 76, on line 13 insert the following:

In Wagarville Division Enumeration District 130

In Section 1, on page 79, on line 7 delete "enumeration district 130" and insert in its place:

enumeration district 126T

JOURNAL OF THE SENATE, 1981  
4th Day

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel Forrest W. Brice to the rank of Brigadier General in the Alabama Army National Guard.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

Colonel Forrest W. Brice has been promoted to the rank of Brigadier General effective 28 September 1981.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,

FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General in the Alabama Army National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to the promotion of Colonel Darden J. Bourne to the rank of Brigadier General in the Alabama Army National Guard.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer

SECOND EXTRAORDINARY SESSION  
4th Day

77

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

Colonel Darden J. Bourne has been promoted to the rank of Brigadier General effective 28 September 1981.

The above appointment is being submitted to you for confirmation or for such action as you deem right and proper.

Respectfully,  
FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the rank of Brigadier General in the Alabama Army National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to a reappointment to the Tuscaloosa County Civil Service Board.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following:

Mr. William C. Moore  
14 Southmont Drive  
Tuscaloosa, AL 35401  
Term expiring May 15, 1987

as a member of the Tuscaloosa County Civil Service Board.

Respectfully,  
FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Tuscaloosa County Civil Service Board, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Tuscaloosa City Civil Service Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Walter B. Lawson (reappointed)  
3212 Second Avenue  
Tuscaloosa, AL 35401  
Term expiring May 15, 1987

Mr. Harold G. McAbee (replacing—Mr. James D. Kincaid, resigned)  
P. O. Drawer 1460  
Tuscaloosa, AL 35403  
Term expiring May 15, 1983

as members of the Tuscaloosa City Civil Service Board.

Respectfully submitted,

FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the Tuscaloosa City Civil Service Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Alabama State University, Board of Trustees.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Bishop William M. Smith, Mobile, Alabama (replacing-unknown)  
Term expiring January 31, 1986

Dr. LaRue W. Harding, Sheffield, Alabama (replacing-unknown)  
Term expiring January 31, 1986

Mrs. William A. Parker (Patsy) (replacing Herman L. Harris)  
2504 Frederick Road  
Opelika, AL 36801  
Term expiring January 31, 1986

as members of the Alabama State University, Board of Trustees.

Respectfully submitted,

FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the appointments to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Real Estate Commission.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have reappointed, subject to your confirmation, the following:

Mr. Roy F. Bragg (term expiring September 30, 1986)  
P. O. Box 789  
Gardendale, Alabama 35071

as a member of the Alabama Real Estate Commission.

Respectfully submitted,  
FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Real Estate Commission, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Air Pollution Control Commission.

Respectfully submitted,  
BOB A. DAVIS,  
State Administrations Officer.

Done this 6th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. Margaret Cameron McDonald (replacing Camile Wright Cook)  
403-1200 Beacon Parkway, East  
Birmingham, Alabama 35209  
Term expiring October 1, 1984

as a member of the Air Pollution Control Commission.

Respectfully submitted,  
FOB JAMES,  
Governor.

Done this 6th day of October, 1981.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Air Pollution Control Commission, was read and referred to the Standing Committee on Rules.

### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended. The question was on the Gulledge No. 3 amendment.

On motion of Mr. Gulledge, further consideration of the Bill S. B. 1, as amended, and pending Gulledge amendment, was postponed temporarily.

### RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 23. COMMENDING THE BLUES ALLEY ALL STARS OF MEMPHIS, TENNESSEE.

Which was adopted.

### REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Howard and Lewis (with notice and proof):

H. 19. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Denton (By Request) (with notice and proof):

S. 72. Relating to Marion County; to further amend Act No. 80-128, H. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

By Reps. Ward and Laird (with notice and proof):

H. 13. Relating to the City of Valley in Chambers County; to provide further for the police jurisdiction.

By Rep. Johnson (Roy) (with notice and proof):

H. 16. To amend Sections 2, 3, and 6 of Act No. 80-780, S. 569, 1980 Regular Session (Acts 1980, p. 1615), relating to the levying of court costs in Tuscaloosa County, so as to provide further for the use of such court costs and to delete the provision placing a ceiling on the amount which may be collected as well as the provision requiring the creation of an additional district judgeship.

By Reps. Clark (G) and Manley (with notice and proof):

H. 24. To give the county commission of Greene County the authority to increase certain clerk hire allowances and to provide for the purchase of certain office equipment.

By Reps. Clark (G) and Manley (with notice and proof):

H. 25. Relating to Greene County; to further provide for the per diem of members of the County Board of Equalization.

By Rep. Minus (with notice and proof):

H. 28. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

By Rep. Dial (with notice and proof):

H. 33. Relating to Cleburne County; providing further for the treating, depositing, dumping, the site or transporting of industrial waste in the county; creating the Cleburne County Industrial Waste Committee and providing for the composition of such committee, the selection of the membership, terms of office, powers and duties; providing for meetings and transaction of business; prescribing public hearings on all proposed activities and sites for such wastes and recommendation therefor by the committee to the appropriate state agencies; and specifically providing that no provision of this act shall be construed to amend or repeal any general law relating to regulating hazardous or solid wastes.

By Rep. Bowling (with notice and proof):

H. 38. Relating to Cullman County; amending Section 1 of Act No. 711, H. 1109 of the 1976 Regular Session (Acts 1976, p. 991), relating to costs and charges in criminal cases, so as to further define such costs shall apply in municipal as well as other courts in the county and circuit, and to further prescribe the amount and expenditure of said costs.

By Rep. McCorquodale (with notice and proof):

H. 40. Relating to Clarke County; amending Section 2 and repealing Section 3 of Act No. 446, H. 244, Regular Session 1975 (Acts of Alabama 1976, p. 1068), which act provides a clerk-hire allowance for the tax assessor, so as to change the manner of payment of such clerk.

By Reps. Roberts and Patton (with notice and proof):

H. 41. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Priceville, Alabama, for the conduct of a general banking and trust business.



By Rep. Warren (with notice and proof):

H. 55. Relating to Conecuh County; providing an additional clerk-hire allowance for the tax collector and specifically repealing Act No. 471, H. 1265 of the 1975 Regular Session of the Legislature (Acts 1975, p. 1095) and Act No. 79-648 of the 1979 Regular Session of the Legislature (Acts 1979, p. 1128) and all other laws in conflict herewith.

By Rep. Reed (with notice and proof):

H. 65. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

By Rep. Reed (with notice and proof):

H. 64. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

By Reps. Harper (O) and Turnham (with notice and proof):

H. 67. Relating to Tallapoosa County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Jacksons' Gap in said county.

By Reps. Edwards and Grouby (with notice and proof):

H. 70. To alter, rearrange and extend the boundary lines and corporate limits of the town of Fort Deposit in Lowndes County.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pearson (With Substitute):

S. 43. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to prescribe definitions and legislative intent; to provide for the appointment of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to amend Section 12-17-20 of the Code of Alabama 1975; to make an appropriation to the unified judicial system from the general fund of the state treasury for the fiscal years ending September 30, 1981 and September 30, 1982; to repeal all laws or parts of laws in conflict herewith, and to provide for the effectiveness and effective date of this act; and to provide that the provisions of the act are non-severable.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Little and Higginbotham:

S. 39. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

By Mr. Pearson:

S. 33. To exempt Birmingham Football Foundation, Inc., Birmingham, Alabama, from the payment of state, county or municipal sales or use taxes.

By Messrs. Barron, Kirkland, Harrison, Little, Taylor, Denton, Proctor, Holmes, Robertson, Keener, Parsons, Hall, Miller, Callahan, Martin, Cook, Vacca and Bailey:

S. 16. To provide salary increases for certain state employees and to appropriate funds therefor.

By Mr. Gullledge:

S. 35. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 1512), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

By Mr. deGraffenried:

S. 76. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Denton (With Substitute):

S. 14. To make a supplemental appropriation from the general fund in the state treasury to the Office of Secretary of State, for the current fiscal year and for the fiscal year ending September 30, 1982.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Martin, Goodwin, Holmes and White:

S. 42. This bill appropriates \$300,000 from the state general fund to the Department of Public Health for the solid and hazardous waste program.

By Messrs. Harrison and Robertson:

S. 38. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

By Mr. Barron:

S. 66. To provide that any state employee who received a step increase limited under the provisions of Act 80-616, Regular Session 1980, shall be brought up to the normal step under the State Pay Plan.

By Mr. Harrison:

S. 68. To create an additional judgeship for the fifteenth judicial circuit of Alabama; to provide for the election of a judge to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the fifteenth judicial circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Drinkard and Adams (H) (with notice and proof):

H. 66. To authorize the Etowah County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county general fund; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; and to prescribe penalties for the violations of the provisions of this Act.

#### FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended.

Mr Mitchem offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

#### AMENDMENT TO S. B. 1, AS AMENDED

On page 11, House District 14, in Blount County, after line 25, add the following:

Enumeration District 807; Enumeration District 811; Block Group 1

On page 22, House District 27, in Blount County, after line 20, add:

Enumeration District 807; Enumeration District 811; Block Group 1

In section 1, on page 11, on line 26 add the words "except enumeration district 780"

On motion of Mr. Hall, further consideration of the amendment was postponed temporarily.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Ray and Holley (with notice and proof):

H. 59. Relating to the twelfth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 59, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Turnham, Ward and Whatley (with notice and proof):

H. 71. Relating to the Thirty-seventh Judicial Circuit, to change the present jury strike system in criminal cases to a one strike system in trials by jury for violations, misdemeanors or felonies, or upon appeals to the circuit courts from lower courts.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 71, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Ray, Grimsley and Sasser (with notice and proof):

H. 94. Relating to Barbour County; providing for a salary supplement for the district attorney.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 94, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 59, 71 and 94. To the Committee on Local Legislation No. 1.

## FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended. The question was on the Gulleddge No. 8 amendment.

SECOND EXTRAORDINARY SESSION  
4th Day

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And said amendment was then adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Robertson
Britnell	Hall	Miller	St. John
Callahan	Higginbotham	Mitchem	Vacca
deGraffenried	Keener	Proctor	White
Denton	Little		

—17

*Nays:* —0

On motion of Mr. White, further consideration of the Bill, S. B. 1, and pending Mitchem amendment, was postponed temporarily.

BILLS ON THIRD READING RESUMED

The Bill:

S. 37. To amend section 16-13-145 of the Code of Alabama 1975, relating to the funding of county and city boards of education, so as to authorize said boards to participate in the energy conservation financing programs of the Tennessee Valley Authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Harrison	Lemaster	St. John
Barron	Higginbotham	Little	Smith
deGraffenried	Holmes	Martin	Vacca
Goodwin	Keener	Miller	Weeks
Gulledge	Kirkland	Pearson	White

—19

*Nays:* —0

RESOLUTION

Mr. Higginbotham offered the following Senate Resolution, to-wit:

S. R. 24. MOURNING THE DEATH OF MR. JAMES D. ORR, JR., OF OPELIKA, ALABAMA.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 46. To amend § 16-13-71 of the Code of Alabama 1975, as amended, so as to provide that warrants issued by city or county boards of education pursuant to the provisions of Article 4 of Chapter 13 of Title 16 of said Code

may bear interest at a rate or rates not exceeding 14% per annum and may be sold at a price yielding not exceeding 14%.

was taken up.

On motion of Mr. Little, further consideration of the Bill, S. B. 46, was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

##### H. J. R. 30 AMENDING THE JOINT RULES.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the proposed rule as set forth below be adopted as Rule 9A of the "Joint Rules of the Two Houses of the Legislature of Alabama":

Rule 9A. (A) The following words and phrases, whenever used in this Rule, shall have the following respective meanings:

"Basic Appropriations" means, with respect to any regular session of the Legislature, such appropriations as the Legislature may deem appropriate for the expenditures by the State during the ensuing Budget Period for the ordinary expenses of the executive, legislative and judicial departments of the State, for payment of the public debt, and for education (excluding, however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise). "Basic appropriations" shall include appropriations made by the legislature to non-public schools and education institutions.

"Budget Period" means a fiscal year of the State or such period other than fiscal year as may hereafter be fixed by law as the period with respect to which State budgets are prepared and State appropriations are made.

(B) On or before the second legislative day of each regular session of the Legislature, beginning with the first regular session after January 1, 1982, the Governor is respectfully requested to transmit to the Legislature for its consideration a proposed budget for the then next ensuing Budget Period.

(C) The duty of the Legislature at any regular session to make the Basic Appropriations for any Budget Period that will commence before the first day of any succeeding regular session shall be paramount; and, accordingly, beginning with the first regular session held after January 1, 1982, no bill (other than a bill making any of the Basic Appropriations) shall be signed by either the presiding officer of the House or Senate and transmitted to the other house until bills making the Basic Appropriations for the then ensuing Budget Period shall have been signed by the presiding officer of each House of the Legislature in accordance with Section 66 of the Alabama Constitution and presented to the Governor in accordance with Section 125 of the Constitution; provided, that this paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading; and provided further, that following adoption, by vote of either house of not less than three-fifths of the members elected to that house, of a resolution declaring that the provisions of this paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein.

(D) Upon the signing and presentation to the Governor in accordance with the said Sections 66 and 125 of bills making the Basic Appropriations, the provisions of the foregoing paragraph (C) prohibiting the final passage of bills in the House and Senate (other than bills making any part of the Basic Appropriations) shall cease to be effective and shall not be revived or become again effective as a result of (i) the subsequent legislative history of any bill so signed and presented, including any veto, return with executive amendment, or any other action, or failure to act, by either the Governor or the Legislature under the provisions of the said Section 125; or (ii) a determination, by either judicial decree or opinion of the Justices of the Alabama Supreme Court, that any bill so signed and presented is wholly or in part invalid.

(E) The provisions of this Rule shall be null and void upon the adjournment sine die of the 1982 Regular Session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 30, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 37. MOURNING THE DEATH OF MISS MITTIE WILEY MILLER OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 10. To amend section 22-6-7, Code of Alabama 1975, so as to provide further for the letting of certain contracts by the Medicaid Agency of the State of Alabama.

was taken up.

Mr. White offered the following substitute for the Bill, S. B. 10, to-wit:

## SUBSTITUTE FOR S. B. 10

A BILL  
TO BE ENTITLED  
AN ACT

To amend section 22-6-7, Code of Alabama 1975, so as to provide further for the letting of certain contracts by the Medicaid Agency of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-6-7, Code of Alabama 1975, is hereby amended to read as follows:

"§ 22-6-7. (a) The Medicaid Agency of the state of Alabama, the single state agency charged with responsibility for administering the Alabama medicaid program, is hereby authorized to contract, for periods not to exceed three years, with one or more fiscal intermediaries for the purpose of receiving, processing and paying claims for services rendered recipients of the Alabama medicaid program; provided, that such contracts shall comply in all other respects with the provisions of the Alabama Competitive Bid Law as codified in sections 41-16-20 through 41-16-32, as amended.

"(b) The provisions of subsection (a) notwithstanding, the Medicaid Agency of the State of Alabama may at its discretion extend the present contract for one additional year through Fiscal Year 1983."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 12; Nays 0.

Messrs.:	Keener	Miller	St. John	
deGraffenried	Little	Mitchem	Vacca	
Goodwin	McDonald	Proctor	White	
Gulledge				—12

Nays: —0

And said Bill, S. B. 10, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Messrs.:	Gulledge	Miller	Smith	
Callahan	Keener	Mitchem	Taylor	
Cook	Kirkland	Pearson	Vacca	
deGraffenried	Little	Proctor	Weeks	
Figures	Martin	St. John	White	
Goodwin	McDonald			—21

Nays: —0



MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Moore, Waggoner and Smith (C):

H. 30. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 30. To the Committee on Finance and Taxation.

RECESS

At 3:15 P. M., on motion of Mr. St. John, the Senate took a recess until 4:30 P. M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

RESOLUTION

Mr. Callahan offered the following Senate Resolution, to-wit:

S. R. 25. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO S. B. 79.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, S. B. 79, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does S. B. 79 conflict with Article 4, Section 93, as amended, of the Constitution of Alabama 1901?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 79, to the clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 11. To amend section 41-16-27, Code of Alabama 1975, so as to add factors to be considered in the letting of certain contracts.

was taken up.

On motion of Mr. White, further consideration of the Bill, S. B. 11, was postponed temporarily.

The Bill:

S. 12. To amend Section 6-5-33, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

was taken up.

Mr. White offered the following amendment to the Bill, S. B. 12, to-wit:

#### AMENDMENT TO S. B. 12

On page 1, in the synopsis, on line 9 strike the words and figures "Section 6-5-33" and insert in lieu thereof: Section 6-5-333

On page 1, in the title, on line 21 strike the words and figures "Section 6-5-33," and insert in lieu thereof: Section 6-5-333

On page 1, in Section, on line 28 delete the words and figures "Section 6-5-33" and insert in lieu thereof: Section 6-5-333

On page 1, in Section 1, on line 30 delete the words and figures "\$6-5-33" and insert in lieu thereof: §6-5-333

Which was adopted.

Yeas 21; Nays 0.

Messrs.:	Goodwin	Keener	Mitchem	
Bailey	Gulledge	Kirkland	Robertson	
Barron	Hall	Little	Vacca	
Cook	Harrison	Martin	Weeks	
deGraffenried	Higginbotham	Miller	White	
Denton	Holmes			—21
Nays:				—0

And said Bill, S. B. 12, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Messrs.:	Goodwin	Keener	Robertson	
Bailey	Gulledge	Little	St. John	
Barron	Hall	Martin	Vacca	
Cook	Harrison	Miller	Weeks	
deGraffenried	Higginbotham	Mitchem	White	
Denton	Holmes			—21
Nays:				—0

#### RESOLUTION

Mr. Mitchem offered the following Senate Resolution, to-wit:

S. R. 26. MOURNING THE DEATH OF BEMON LYON, ARAB, ALABAMA.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended. The question was on the amendment offered by Mr. Mitchem.

On motion of Mr. Mitchem, said amendment was laid on the table.

Mr. Cook offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

AMENDMENT TO S. B. 1, AS AMENDED

Amend S. B. 1 by substituting the following for page 38: House District No. 45 shall consist of the following: Tract 120.01; Block Group 7; Block Group 9; Tract 11, 12, 10, 30.01, 30.02; Block Group 1; 32, 33, 31, 34; Block Group 2; Block Group 3; Blocks 304, 305, 306, 307, 308, 309; Tract 125; Block Group 7

On motion of Mr. Proctor, further consideration of said amendment was postponed temporarily.

Mr. Mitchem offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

AMENDMENT TO S. B. 1, AS AMENDED

In Section 1, on page 11, on line 26 add the words:  
except enumeration district 780

On page 11, House District 14, in Blount County, after line 27, add the following:

Tract 507, Locust Fork Division; Enumeration District 807; Enumeration District 811; Block Group 1; Block Group 3

On page 22, House District 27, in Blount County, after line 20, add:

Locust Fork Division, Except: Enumeration District 807; Enumeration District 811; Block Group 1; Block Group 3

Which was adopted.

Yeas 11; Nays 0.

*yeas:*

Messrs.:	Hall	Martin	Smith
Goodwin	Keener	Mitchem	Vacca
Gulledge	Little	Proctor	White

—11

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorqudale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 41. MOURNING THE DEATH OF PRESIDENT ANWAR AL-SADAT OF EGYPT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 41, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Howard and Lewis:

H. J. R. 40. MOURNING THE DEATH OF OFFICER TOMMY LEE THEDFORD.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends herewith to the Senate for its consideration:

By Rep. Wyatt:

H. J. R. 42. COMMENDING RADIO STATION WLWI IN MONTGOMERY, ALABAMA, ON ITS PROMOTION OF OCTOBER AS "COUNTRY MUSIC MONTH".

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 42, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 39. ENCOURAGING THE MARYLAND PAROLE COMMISSION TO DENY PAROLE TO ARTHUR BREMER.

WHEREAS, Arthur Bremer, who was convicted of the attempted assassination on May 15, 1972, of Governor George Wallace, will be eligible for parole in May 1982 upon review by the Maryland Parole Commission; and

WHEREAS, should Arthur Bremer be released from prison, he will have served a mere ten years of a 53-year sentence for a murderous attack which left Governor Wallace paralyzed to the extent that he yet remains confined to a wheelchair, so imprisoned for life; and

WHEREAS, it is the consensus of this body that the American people will find no justice in the early release, by as much as a single day, of a convicted criminal, totally void of conscience or compassion, who relentlessly stalked his victim, then coldly shot to kill at point blank range; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby beseechingly request and encourage all members of the Maryland Parole Commission to categorically deny parole to Arthur Bremer upon review of his impending hearing in May 1982.

BE IT FURTHER RESOLVED, That the Clerk of the House of Representatives is directed to forward copies of this resolution to Chairman Henry P. Turner that he and his fellow Commissioners may be aware of our concern in this matter and of our pleadings on behalf of the citizens of Alabama and of all America.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill, S. B. 1, as amended.

Mr. Cook offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

## AMENDMENT TO S. B. 1, AS AMENDED

On page 11, immediately following line 19, insert the following after "959": 953

On page 26, line 33, after the number "3" insert the following language:  
, except 315, 337, 338, 339, 340, 341 and 342.

and strike "except 315, 337, 338, 339, 340, 341, and 342" on line 34

Which was adopted.

Yeas 10; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Vacca	
Cook	Hall	Proctor	White	
deGraffenried	Little	Robertson		—10

*Nays:* —0

The question then recurred on Mr. Cook's amendment No. 1 to the Bill, S. B. 1, as amended.

And said amendment was then adopted.

Yeas 5; Nays 1.

*Yeas:* Messrs.: Hilliard, McDonald, Proctor, Smith and White. —5

*Nay:* Mr. Parsons. —1

Mr. Cook then offered the following amendment to the Bill, S. B. 1, as amended, to-wit:

## AMENDMENT TO S. B. 1, AS AMENDED

Amend S. B. 1 by substituting the following for page 37:

House District 44 shall consist of the following:

In Jefferson County: Tract 00302; Block Group 3 only; Tract 0029; Tract 0014; Tract 0015; Tract 0016; Tract 0017; Tract 0026.01; Tract 0026.02; Tract 0027; Tract 0045; Tract 0044; Tract 0028.01; Tract 0028.02

Amend S. B. 1 by substituting the following for Page 31:

House District 38 shall consist of the following in Jefferson County: Tract 52, 57.01, 57.02, 105 except Block Group 2, 106.01, 106.02, 106.03, 131, 132

Amend S. B. 1 by substituting the following Page 33 in S. B. 1:

House District 40 shall consist of the following in Jefferson County: Tract 34; Block Group 1, 4, 5, 6; Block Group 3 except blocks 304, 305, 306, 307, 308, 309; Tract 35, 36, 37, 38.01; Block Group 6, 7; Tract 105; Block Group 2; Tract 133, 134, 135, 136.01, 136.02, 137 except Block Group 3; Tract 139.01; Block Group 1

Amend S. B. 1 by substituting the following for Page 32:

House District 39 shall consist of the following in Jefferson County: Tract 30.02; Block Group 2, 4; Tract 38.01; Block Group 8; Tract 38.02, 38.03, 39, 40, 41, 42, 51.01, 51.02 except Block Group 9

Which was adopted.

Yeas 4; Nays 2.

Yeas: Messrs.: Hilliard, Pearson, Proctor, White. —4

Nays: Messrs.: Hall and Parsons. —2

On motion of Mr. Proctor, the Senate reconsidered the vote by which the Cook amendment No. 1 was adopted.

On motion of Mr. Proctor, further consideration of said amendment was indefinitely postponed.

On motion of Mr. Proctor, the Senate reconsidered the vote by which the Cook amendment No. 3 was adopted.

On motion of Mr. Proctor, further consideration of said amendment was indefinitely postponed.

Mr. Figures offered the following substitute for the Bill, S. B. 1, as amended, to-wit:

#### SUBSTITUTE FOR S. B. 1, AS AMENDED

#### A BILL TO BE ENTITLED AN ACT

To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

Be It Enacted by the Legislature of Alabama:

Section 1. The House of Representatives of the Alabama Legislature shall consist of 105 members and each member shall reside in the district he represents. The state is hereby divided into 105 house districts as follows:

HOUSE DISTRICT 1 SHALL CONSIST OF: In Lauderdale County: Florence Division: Florence City (all).

HOUSE DISTRICT 2 SHALL CONSIST OF: In Lauderdale County: Cloverdale Division; Tract 114; Block Group 1 outside of town groups; Block Group 2 outside of town groups; Florence Division: St. Florian Town (all);

Remainder of Florence Division; Killen Division (all); Lexington Division (all); Oakland Division (all); Rogersville Division (all).

HOUSE DISTRICT 3 SHALL CONSIST OF: In Colbert County: Leighton Division; Tract 208; Block Group 1 outside of town groupings; Enumeration District 0901; Enumeration District 0902T; Enumeration District 0902U; Tri-Cities Division (all).

HOUSE DISTRICT 4 SHALL CONSIST OF: In Colbert County: Cherokee Division(all); Leighton Division; Leighton Town (all); Tract 208; Enumeration District 0903; Enumeration District 0904T; Enumeration District 0904U; Littleville Division (all); In Franklin County: Russellville Division except Enumeration District 0058 and Enumeration District 0059; In Lauderdale County: Cloverdale Division, except Tract 114, Block Group 1 outside of town groups and Block Group 2 outside of town groups; Waterloo Division.

HOUSE DISTRICT 5 SHALL CONSIST OF: In Franklin County: Phil Campbell Division (all); Red Bay Division (all); Russellville Division; Enumeration District 0058; Enumeration District 0059; Vina Division (all). In Lamar County: Sulligent Division: Detroit Town (all); Enumeration District 0006; In Lawrence County: Mount Hope Division; Enumeration District 0015; In Marion County: Bear Creek Division (all); Bexar Division (all); Hackleburg Division (all); Hamilton Division (all).

HOUSE DISTRICT 6 SHALL CONSIST OF: In Fayette County: Fayette Division: Fayette City (all); Enumeration District 0463A; Enumeration District 0465; North River Division (all); Russell Division (all); In Lamar County: Millport Division: Millport Town (all); Enumeration District 0016; Sulligent Division except Detroit Town and Enumeration District 0006; Vernon Division (all); In Marion County: Brilliant Division (all); Guin Division (all); Winfield Division (all).

HOUSE DISTRICT 7 SHALL CONSIST OF: Lawrence County except Mount Hope Division; Enumeration District 0015; In Morgan County: Danville Division (all); Decatur Division; Tract 0051: Block Group 6 of Decatur City; Block Group 6 outside of town groups; Enumeration District 0270.

HOUSE DISTRICT 8 SHALL CONSIST OF: In Morgan County: Decatur Division; Tract 1; Tract 2; Tract 4; Tract 5; Tract 6; Tract 7; Tract 8; Tract 9; Tract 10; Tract 51; Block Group 5 of Decatur City; Block Group 3 of Trinity Town; Block Group 4 of Trinity Town; Block Group 5 of Trinity Town; Block Group 1 outside of town groups; Block Group 2 outside of town groups; Block Group 3 outside of town groups; Block Group 4 outside of town groups; Block Group 5 outside of town groups.

HOUSE DISTRICT 9 SHALL CONSIST OF: In Morgan County: Decatur Division; Tract 3 in Decatur City; Tract 51; Block Group 7 of Decatur City; Block Group 8 of Decatur City; Block Group 9 of Decatur City; Block Group 7 of Flint City Town; Block Group 9 of Flint City Town; Block Group 7 outside of town groups; Block Group 8 outside of town groups; Block Group 9 outside of town groups; Eva Division excluding Tract 56, Enumeration District 0260; Falkville Division (all); Hartselle Division (all); Somerville Division, except Tract 54.02, Enumeration District 0258.

HOUSE DISTRICT 10 SHALL CONSIST OF: In Cullman County, except Baileyton-Joppa Division; Bremen Division, Enumeration District 0143; Crane Hill Division; Cullman Division, West Point Town; Hanceville Division, Garden City Town, Hanceville City, Enumeration District 0139;



Jones Chapel Division; Logan Division; Vinemont Division, South Vinemont Town, West Point Town, Enumeration District 0110, Enumeration District 0111A, Enumeration District 0112, Enumeration District 0113.

HOUSE DISTRICT 11 SHALL CONSIST OF: In Blount County: Except Brooksville Division, Tract 504, Enumeration District 0776, Enumeration District 0779; Clarence Division; and Oneonta Division, Tract 501, Enumeration District 0800, Enumeration District 0801, Enumeration District 0804; In Cullman County: Baileyton-Joppa Division (all); Hanceville Division except Enumeration District 0140.

HOUSE DISTRICT 12 SHALL CONSIST OF: In Cullman County: Bremen Division; Enumeration District 0143; Crane Hill Division (all); Cullman Division; West Point Town (all); Jones Chapel Division (all); Logan Division (all); Vinemont Division except Enumeration District 0109; In Winston County: (all).

HOUSE DISTRICT 13 SHALL CONSIST OF: In Fayette County: Berry Division (all); Fayette Division; Enumeration District 0464; In Walker County: Carbon Hill Division (all); Cordova Division (all); Flat Creek-Wegra Division (all); Manchester Division (all); In Walker County: Nauvoo Division (all); Oakman Division (all); Parrish Division (all); Sipsey Division; Tract 208, Enumeration District 0852T; Townley Division (all).

HOUSE DISTRICT 14 SHALL CONSIST OF: In Walker County: Dora Division (all); Empire Division (all); Jasper Division (all); Sipsey Division except Tract 208, Enumeration District 0852T.

HOUSE DISTRICT 15 SHALL CONSIST OF: In Tuscaloosa County: Brookwood Division (all); Coaling-Vance Division; Tract 107; Enumeration District 0666T; Samantha Division (all); Tuscaloosa Division; Tract 104.02; Tract 108; Tract 121; Tract 122; Tract 123; Windham Springs Division (all).

HOUSE DISTRICT 16 SHALL CONSIST OF: In Limestone County, Excluding Tract 201; and Athens Division, Tract 202, Enumeration District 0681; and Tract 208, Enumeration District 0690T, and Enumeration District 0690U.

HOUSE DISTRICT 17 SHALL CONSIST OF: In Limestone County: Athens Division; Tract 201; Tract 202; Enumeration District 0681; Tract 208; Enumeration District 0690T; Enumeration District 0690U; In Madison County: Arsenal Division except Tract 111, Enumeration District 0541; Hazel Green Division; Tract 103; Enumeration District 0531; Huntsville Division; Tract 105; Tract 106; Tract 107; Block Group 2 outside of town groups; Enumeration District 0535; Enumeration District 0536; Madison Division (all); Madison Crossroads Division (all); Triana-Blackwall Division (all).

HOUSE DISTRICT 18 SHALL CONSIST OF: In Madison County: Arsenal Division; Tract 111; Enumeration District 0541; Huntsville Division; Tract 12; Block Group 3 of Huntsville City; Tract 13; Tract 14 of Huntsville City; Tract 14 outside of Huntsville City; Tract 15; Tract 21; Tract 22; Tract 23; Tract 24; Tract 25.01; Tract 25.02; Tract 28.01; Block Group 9 of Huntsville City.

HOUSE DISTRICT 19 SHALL CONSIST OF: In Madison County: Huntsville Division; Tract 3.01; Tract 3.02; Tract 4.01; Tract 4.02; Tract 5.01; Tract 5.02; Tract 5.03; Tract 6.01; Tract 6.02; Tract 7.01; Tract 7.02; Tract 12; Block Group 1 of Huntsville City; Block Group 2 of Huntsville City.

HOUSE DISTRICT 20 SHALL CONSIST OF: In Madison County: Huntsville Division; Tract 1; Tract 2.01; Tract 2.02; Tract 8; Tract 9.01; Tract 9.02; Tract 10; Tract 11; Tract 16 except Block Group 1 of Huntsville City; Tract 17; Tract 18.01; Tract 18.02; Tract 107 except Block Group 2 outside of Huntsville City; Enumeration District 0535, Enumeration District 0536; Tract 108.

HOUSE DISTRICT 21 SHALL CONSIST OF: In Madison County: Huntsville Division; Tract 16; Block Group 1 of Huntsville City; Tract 19.01; Tract 19.02; Tract 19.03; Tract 20; Tract 26; Tract 27.01; Tract 27.02; Tract 28.01; Block Group 1 of Huntsville City; Block Group 2 of Huntsville City; Tract 28.02; Tract 29.01; Tract 29.02.

HOUSE DISTRICT 22 SHALL CONSIST OF: DeKalb County except Fort Payne Division, Fort Payne City, Enumeration District 0438; Henagar Division.

HOUSE DISTRICT 23 SHALL CONSIST OF: In DeKalb County: Henagar Division (all); In Jackson County except Bridgeport Division; Paint Rock Division; Princeton Division; Scottsboro Division, Enumeration District 0197; Stevenson Division.

HOUSE DISTRICT 24 SHALL CONSIST OF: In Calhoun County: Choccolocco Division; Tract 20; Block Group 1; Block Group 9; Piedmont Division, Tract 22; Enumeration District 0280A; Cherokee County (all); In Cleburne County: Fruithurst Division (all); Ranburne Division; Enumeration District 0059; In DeKalb County: Fort Payne Division except Enumeration District 0436 and Enumeration District 0437A.

HOUSE DISTRICT 25 SHALL CONSIST OF: In Marshall County: Albertville-Boaz Division (all); Douglas Division except Tract 310, Enumeration District 0824; Grant Division (all); Guntersville Division; Albertville City (all); Tract 307; Enumeration District 0803C; Enumeration District 0803D; Town Creek Division (all).

HOUSE DISTRICT 26 SHALL CONSIST OF: Marshall County except Albertville-Boaz Division; Douglas Division, Place 507; Tract 310, Enumeration District 0822, Enumeration District 0823A; Grant Division; Guntersville Division, Albertville City, Tract 307, Enumeration District 0803C, Enumeration District 0803D; and Town Creek Division; In Morgan County: Eva Division; Tract 56; Enumeration District 0260; Laceys Spring Division (all); Somerville Division; Tract 54.02; Enumeration District 0258.

HOUSE DISTRICT 27 SHALL CONSIST OF: In Jackson County: Bridgeport Division (all); Paint Rock Division (all); Princeton Division (all); Scottsboro Division; Enumeration District 0197; Stevenson Division (all); In Madison County: Gurley Division; Tract 109; Hazel Green Division; Tract 103; Enumeration District 0529; Enumeration District 0530; New Hope Division; Tract 113; Tract 114; New Market Division; Tract 101; Tract 102.

HOUSE DISTRICT 28 SHALL CONSIST OF: In Etowah County: Gadsden Division; Tract 11 in Rainbow City; Tract 13; Tract 14; Tract 15; Tract 16; Tract 17; Tract 101 except Block Group 2 of Attalla City; Tract 102 except Block Group 2 of Attalla City; Tract 103; Block Group 2 outside of town groupings; Tract 104; Tract 105.

HOUSE DISTRICT 29 SHALL CONSIST OF: In Etowah County: Gadsden Division; Tract 1; Tract 2; Tract 3; Tract 4; Tract 5; Tract 6; Tract 7; Tract 8; Tract 9; Tract 10; Tract 11, excluding portion in Rainbow City; Tract

12; Tract 101; Block Group 2 of Attalla City; Tract 102; Block Group 2 of Attalla City.

HOUSE DISTRICT 30 SHALL CONSIST OF: In Blount County; Brooksville Division; Tract 504; Enumeration District 0776; Enumeration District 0779; Clarence Division (all); Oneonta Division; Tract 501; Enumeration District 0800; Enumeration District 0801; Enumeration District 0804; In Etowah County; Altonna Division (all); Gadsden Division; Tract 103, excluding Block Group 2 outside of town groups; Hokes Bluff Division (all); Lookout Mountain Division (all); Mountainboro Division (all); Turkeytown Division (all); Wills Valley Division (all).

HOUSE DISTRICT 31 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 55; Block Group 5 outside of town groups; Tract 120.01; Tract 120.02, excluding Block Group 1 in Fultondale City and Block Group 1 outside of Fultondale City; Brookside Division (all); Gardendale Division; Tract 117.03; Tract 117.04; Tract 117.05; Robbins Crossroads Division; Tract 115; Enumeration District 0128T; Enumeration District 0128U; Warrior Division (all).

HOUSE DISTRICT 32 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 111.04; Tract 112.03; Tract 112.04, excluding Block Group 9 in Birmingham City and Block Group 9 outside of Birmingham City; Tract 112.05; Tract 118.01; Tract 118.02; Clay Division (all).

HOUSE DISTRICT 33 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 55; Block Group 3 of Fultondale City; Block Group 4 of Fultondale City; Block Group 3 outside of town groups; Block Group 4 outside of town groups; Tract 59.05, excluding Block Group 4 of Birmingham City; Tract 59.06; Tract 109; Tract 112.04; Block Group 9 of Birmingham City; Block Group 9 outside of Birmingham City; Tract 119.01; Tract 119.02 in Tarrant City; Tract 120.02; Block Group 1 of Fultondale City; Block Group 1 outside of town groups; Gardendale Division; Tract 117.06 outside of town groups; Kimberly-Morris Division; Tract 113; Palmerdale Division; Tract 112.06.

HOUSE DISTRICT 34 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 49; Tract 50; Tract 58; Tract 107.01; Tract 107.02; Tract 107.03; Tract 107.04; Tract 107.05; Tract 108.01; Tract 108.02.

HOUSE DISTRICT 35 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 129.01; Tract 129.02; Block Group 2 of Homewood City; Block Group 1 of Mountain Brook City; Block Group 2 of Mountain Brook City; Block Group 1 of Vestavia Hills City; Block Group 1 outside of town groups; Block Group 2 outside of town groups; Tract 129.03 in Mountain Brook City; Tract 129.04; Hoover Division; Tract 144.01; Tract 144.02, excluding Block Group 4 in Hoover City and Block Group 4 outside of Hoover City.

HOUSE DISTRICT 36 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 102; Tract 103.01, excluding Block Group 5 of Bessemer City, Block Group 7 of Bessemer City, and Block Group 5 outside of town groups; Tract 104.01; Tract 104.02; Tract 107.06; Tract 141.03; Tract 141.05; Tract 143.01; Greenwood Division; Tract 142.03; Hoover Division; Tract 143.02; Tract 144.02; Block Group 4 of Hoover City; Block Group 4 outside of Hoover City; Tract 144.03.

HOUSE DISTRICT 37 SHALL CONSIST OF: In Jefferson County; Birmingham Division; Tract 14; Tract 28.01; Tract 28.02; Tract 29; Tract 30.02;

Tract 40; Block Group 1 of Birmingham City; Block Group 2 of Birmingham City; Block Group 3 of Birmingham City; Block Group 8 of Birmingham City; Tract 41; Tract 42; Tract 44; Tract 51.01; Tract 51.02; Tract 130.02; Block Group 1 of Birmingham City; Block Group 1 outside of Birmingham City.

HOUSE DISTRICT 38 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 38.03; Tract 39; Tract 40; Block Group 4 of Birmingham City; Block Group 5 of Birmingham City; Block Group 6 of Birmingham City; Block Group 7 of Birmingham City; Tract 52; Tract 57.01; Tract 57.02; Tract 130.01; Tract 130.02, excluding Block Group 1 of Birmingham City and Block Group 1 outside of Birmingham City; Tract 131.

HOUSE DISTRICT 39 SHALL CONSIST OF: In Jefferson County: Birmingham Division: Tract 101; Tract 103.01; Block Group 5 of Bessemer City; Block Group 7 of Bessemer City; Block Group 5 outside of Bessemer City; Tract 103.02; Tract 105; Tract 133; Tract 136.01; Tract 136.02; Tract 137; Tract 138.01; Tract 138.02; Tract 139.01; Tract 141.04; Tract 135.

HOUSE DISTRICT 40 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 35; Tract 106.01; Block Group 1 of Fairfield City; Tract 123.01; Tract 124.01; Tract 124.02; Tract 125; Graysville-Adamsville Division; Tract 121.03; Tract 124.03.

HOUSE DISTRICT 41 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 34; Tract 36; Tract 37; Tract 38.01; Tract 38.02; Tract 106.01, except Block Group 1 of Fairfield City; Tract 106.02; Tract 106.03; Tract 132; Tract 134.

HOUSE DISTRICT 42 SHALL CONSIST OF: In Jefferson County: Birmingham; Division; Tract 100.01; Tract 100.02; Tract 139.02; Concord-Hopkins Division (all); Graysville-Adamsville Division; Tract 121.04; Maytown-Sylvan Springs Division (all); North Johns Division (all); Robbins Crossroads Division; Tract 115; Enumeration District 0104; Enumeration District 0105; West Jefferson Division (all).

HOUSE DISTRICT 43 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 3; Tract 5; Tract 6, except Block Group 4 of Birmingham City and Block Group 5 of Birmingham City; Tract 17; Tract 18.01; Tract 18.02; Tract 19.01; Tract 19.02; Tract 22; Tract 23.03; Tract 23.04; Tract 24; Tract 25; Tract 26.01; Tract 45; Tract 46; Tract 54; Tract 119.02, except that portion of Tract 119.02 in Tarrant City; Tract 119.03.

HOUSE DISTRICT 44 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 4; Tract 6; Block Group 4 of Birmingham City; Block Group 5 of Birmingham City; Tract 7; Tract 9; Tract 15; Tract 16; Tract 26.02; Tract 27; Tract 55 in Birmingham City.

HOUSE DISTRICT 45 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 8; Tract 10; Tract 11; Tract 12; Tract 30.01; Tract 31; Tract 32; Tract 33.

HOUSE DISTRICT 46 SHALL CONSIST OF: In Tuscaloosa County: Tuscaloosa Division; Tract 104.01; Tract 105; Tract 109; Tract 110; Tract 111; Tract 112; Tract 113; Tract 114; Tract 115; Tract 116; Tract 120.

HOUSE DISTRICT 47 SHALL CONSIST OF: In Tuscaloosa County: Big Sandy-Duncanville Division; Moundville Town (all); Tract 107; Block Group 1 outside of town groups; Enumeration District 0668; Enumeration District 0669; Fosters Division, Excluding Tract 103, Enumeration District 0670; Tuscaloosa Division; Tract 117; Tract 118; Tract 119; Tract 124; Tract 125.

HOUSE DISTRICT 48 SHALL CONSIST OF: In Fayette County: Fayette Division; Belk Town (all); Enumeration District 0466; Enumeration District 0467; In Lamar County: Millport Division; Kennedy Town (all); Enumeration District 0015; In Pickens County: Aliceville Division; Enumeration District 0570; Carrollton Division; Carrollton Town (all); Enumeration District 0563; Ethelsville Division (all); Gordo Division (all); Reform Division (all); In Tuscaloosa County: Coker Division (all); Elrod-Moores Bridge-Echola Division (all); Fosters Division; Tract 103; Enumeration District 0670; Tuscaloosa Division; Tract 102.

HOUSE DISTRICT 49 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 1; Tract 2; Tract 20; Tract 21; Tract 53.01; Tract 53.02; Tract 59.03; Tract 59.04; Tract 59.05; Block Group 4 of Birmingham City; Tract 126.01; Tract 126.02; Tract 127.01.

HOUSE DISTRICT 50 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 108.04; Tract 128.01; Tract 129.02; Block Group 4 of Vestavia Hills City; Block Group 4 outside of town groups; Tract 129.03, except that portion of Tract 129.03 in Mountain Brook City; Leeds Division (all); Trussville Division (all).

HOUSE DISTRICT 51 SHALL CONSIST OF: In Jefferson County: Birmingham Division; Tract 23.05; Tract 23.06; Tract 47.01; Tract 47.02; Tract 47.03; Tract 48; Tract 56; Tract 108.03; Tract 108.05.

HOUSE DISTRICT 52 SHALL CONSIST OF: In Talladega County: Lincoln-Eastaboga Division (all); Munford Division (all); Renfroe-Lanier Division; Tract 112; Enumeration District 0668; Talladega Division (all).

HOUSE DISTRICT 53 SHALL CONSIST OF: In Chilton County: Clanton Division, except Tract 601, Enumeration District 0515U and Enumeration District 0516; Mineral Springs Division (all); Verbena Division; Tract 607; Enumeration District 0519; In Clay County (all); In Coosa County (all).

HOUSE DISTRICT 54 SHALL CONSIST OF: In Talladega County: Childersburg Division (all); Renfroe-Lanier Division, except Tract 112, Enumeration District 0668; Sycamore-Winterboro Division (all); Sylacauga Division (all).

HOUSE DISTRICT 55 SHALL CONSIST OF: In St. Clair County, except Moody Division, Tract 401, Enumeration District 0891; and Pell City Division, Tract 402, Enumeration District 0881 and Enumeration District 0882 and Enumeration District 0885, and Enumeration District 0886.

HOUSE DISTRICT 56 SHALL CONSIST OF: In St. Clair County: Moody Division; Tract 401; Enumeration District 0891; Pell City Division; Tract 402; Enumeration District 0881; Enumeration District 0882; Enumeration District 0885; Enumeration District 0886; In Shelby County, except Alabaster-Helena Division.

HOUSE DISTRICT 57 SHALL CONSIST OF: In Jefferson County: Greenwood Division; Tract 142.02 outside of town groups; Tract 142.04 in Bessemer City; Tract 142.04 outside of town groups; In Shelby County: Alabaster-Helena Division (all).

HOUSE DISTRICT 58 SHALL CONSIST OF: In Calhoun County: Aniston Division; Tract 11; Block Group 5 outside of town groups; Tract 12; Tract 13; Tract 14; Tract 15; Tract 16; Tract 17; Ohatchee Division; Tract 26; Websters Chapel-Alexandria Valley Division; Tract 25; Block Group 5 outside of town groups; Enumeration District 0284A; Enumeration District 0285; Enumeration District 0286; Enumeration District 0287.

HOUSE DISTRICT 59 SHALL CONSIST OF: In Calhoun County: Aniston Division; Tract 1; Tract 2; Tract 3; Tract 4; Tract 5; Tract 6; Tract 7; Tract 8; Tract 9; Tract 10, except that portion of Tract 10 outside of town groups; Tract 11, except Block Group 5 outside of town groups.

HOUSE DISTRICT 60 SHALL CONSIST OF: In Calhoun County: Aniston Division; Tract 18; Tract 19; Jacksonville Division (all); Piedmont Division, except Tract 22, Enumeration District 0280A; Websters Chapel-Alexandria Valley Division; Tract 25; Block Group 3 of Glencoe City; Block Group 1 outside of town groups; Block Group 2 outside of town groups; Block Group 3 outside of town groups; Block Group 4 outside of town groups.

HOUSE DISTRICT 61 SHALL CONSIST OF: In Calhoun County: Aniston Division; Tract 10 outside of town groups; Choccolocco Division; Tract 20; Block Group 2 outside of town groups; Block Group 3 outside of town groups; Enumeration District 0298; Enumeration District 0299; Enumeration District 0300; Enumeration District 0301; Enumeration District 0302; Enumeration District 0303.; In Chambers County: Five Points Division (all); Milltown Division (all); In Cleburne County, except Fruithurst Division and Ranburne Division, Enumeration District 0059; In Randolph County: (all).

HOUSE DISTRICT 62 SHALL CONSIST OF: In Tallapoosa County, except Camp Hill Division, Enumeration District 0187; and Dadeville Division, Enumeration District 0183D.

HOUSE DISTRICT 63 SHALL CONSIST OF: In Chambers County, except Five Points Division and Milltown Division; In Tallapoosa County; Camp Hill Division; Enumeration District 0187; Dadeville Division; Enumeration District 0183D.

HOUSE DISTRICT 64 SHALL CONSIST OF: In Lee County; Auburn-Opelika Division; Auburn City (all); Tract 404 outside of town groupings; Tract 405 outside of town groupings; Tract 406 outside of town groupings; Tract 409 outside of town groupings; Beauregard-Marvyn Division, except Tract 421, Enumeration District 0536; Loachapoka-Roxana Division (all).

HOUSE DISTRICT 65 SHALL CONSIST OF: In Lee County: Auburn-Opelika Division; Opelika City (all); Tract 411 outside of Opelika City; Tract 412 outside of Opelika City; Tract 417 outside of Opelika City; Beulah Division (all); Smiths-Salem Division (all).

HOUSE DISTRICT 66 SHALL CONSIST OF: In Lee County: Beauregard-Marvyn Division; Tract 421; Enumeration District 0536; In Russell County, except Tract 309.02; Cottonton-Seale Division, Tract 312, Enumeration Division 0384, and Enumeration Division 0385, and Enumeration Division 0386; Hurtsboro Division; and Phenix City Division, Tract 308, Block Group 1 in Phenix City and Block Group 6 in Phenix City and Block Group 6 outside of Phenix City.

HOUSE DISTRICT 67 SHALL CONSIST OF: In Bullock County (all); In Macon County (all).

HOUSE DISTRICT 68 SHALL CONSIST OF: In Barbour County, excluding Bakerhill Division; and Eufaula Division, Eufaula City and Enumeration District 0326A; In Pike County; Banks-Josie Division (all); Brundidge Division (all); Troy Division (all); In Russell County: Cottonton-Seale Division; Tract 312; Enumeration District 0384; Hurtsboro Division (all).

HOUSE DISTRICT 69 SHALL CONSIST OF: In Crenshaw County (all); In Montgomery County: Hope Hull Division, outside of Montgomery City (all); Montgomery Division; Tract 54.01 outside of Montgomery City; Tract 60.01 outside of Montgomery City, excluding Block Group 9 outside of Montgomery City; Mount Meigs Division (all); Pike Road Division, outside of Montgomery City; Pine Level Division (all); Ramer Division (all); In Pike County, excluding Banks-Josie Division, Brundidge Division, and Troy Division.

HOUSE DISTRICT 70 SHALL CONSIST OF: In Houston County, excluding; Tract 401; Tract 402; Tract 403; Tract 404; Tract 405; Tract 406; Tract 407; Tract 408; Tract 411; Tract 421.

HOUSE DISTRICT 71 SHALL CONSIST OF: In Houston County: Dothan Division; Tract 401; Tract 402; Tract 403; Tract 404; Tract 405; Tract 406; Tract 407; Tract 408; Tract 411; Madrid Division: Tract 421.

HOUSE DISTRICT 72 SHALL CONSIST OF: In Barbour County: Bakerhill Division (all); Eufaula Division; Eufaula City (all); Enumeration District 0326A; In Henry County (all); In Russell County: Cottonton-Seale Division; Tract 312; Enumeration District 0385; Enumeration District 0386; Phenix City Division: Tract 308; Block Group 1 in Phenix City; Block Group 6 in Phenix City; Block Group 6 outside of Phenix City; Tract 309.02.

HOUSE DISTRICT 73 SHALL CONSIST OF: In Coffee County: Enterprise Division; Tract 103; Enumeration District 0263; Tract 108; Enumeration District 0264; Tract 109; Enumeration District 0268; Goodman Division (all); In Dale County: Daleville Division (all); In Geneva County (all).

HOUSE DISTRICT 74 SHALL CONSIST OF: In Coffee County, excluding Enterprise Division, Tract 103, Enumeration District 0263; Tract 108, Enumeration District 0264; and Tract 109, Enumeration District 0268; and Goodman Division (all); In Dale County: Ozark Division; Ariton Town (all); Tract 201; Enumeration District 0655A.

HOUSE DISTRICT 75 SHALL CONSIST OF: In Dale County, excluding Daleville Division and Ozark Division, Ariton Town and Tract 201, Enumeration District 0655A.

HOUSE DISTRICT 76 SHALL CONSIST OF: In Montgomery County: Montgomery Division; Tract 4, excluding Block Group 7 of Montgomery City; Tract 5; Tract 6; Block Group 4 of Montgomery City; Block Group 5 of Montgomery City; Tract 15; Block Group 1 of Montgomery City; Block Group 2 of Montgomery City; Tract 16; Tract 17, excluding; Block Group 2 of Montgomery City; Tract 18; Tract 19; Tract 20; Block Group 1 of Montgomery City; Block Group 4 of Montgomery City; Tract 25; Tract 33; Block Group 1 of Montgomery City; Block Group 2 of Montgomery City; Tract 51.03; Tract 53.01.

HOUSE DISTRICT 77 SHALL CONSIST OF: In Montgomery County: Montgomery Division; Tract 1; Tract 2; Tract 3; Tract 4; Block Group 7 of Montgomery City; Tract 6, excluding Block Group 4 of Montgomery City and

Block Group 5 of Montgomery City; Tract 7; Tract 10; Block Group 9 of Montgomery City; Tract 11, Tract 12, Tract 13; Block Group 4 of Montgomery City; Tract 14; Block Group 4 of Montgomery City; Block Group 5 of Montgomery City; Tract 15, excluding Block Group 1 of Montgomery City, and Block Group 2 of Montgomery City; Tract 51.02, excluding that portion of Tract 51.02 outside of Montgomery City.

HOUSE DISTRICT 78 SHALL CONSIST OF: In Montgomery County: Hope Hull Division; Tract 59.01 in Montgomery City; Tract 59.02; Montgomery Division; Tract 9; Tract 10, excluding Block Group 9 of Montgomery City; Tract 13; Block Group 3 of Montgomery City; Tract 22; Block Group 5 of Montgomery City; Block Group 6 of Montgomery City; Block Group 7 of Montgomery City; Block Group 8 of Montgomery City; Block Group 9 of Montgomery City; Tract 23; Tract 24; Tract 30; Tract 60.01 in Montgomery City; Block Group 9 outside of Montgomery City; Tract 60.02.

HOUSE DISTRICT 79 SHALL CONSIST OF: In Elmore County: Elmore Division; Tract 104; Enumeration District 0972; Enumeration District 0974; Enumeration District 0975; Enumeration District 0977; Enumeration District 0978; Enumeration District 0979; In Montgomery County: Montgomery Division; Tract 17; Block Group 2 of Montgomery City; Tract 26; Tract 27; Tract 33 of Montgomery City, excluding Block Group 1 of Montgomery City and Block Group 2 of Montgomery City; Tract 51.01; Tract 51.02 outside of Montgomery City; Tract 53.02; Tract 54.01 in Montgomery City; Tract 54.02; Tract 54.03; Tract 54.04; Tract 54.05; Tract 56.02.

HOUSE DISTRICT 80 SHALL CONSIST OF: In Montgomery County: Montgomery Division; Tract 13; Block Group 1 of Montgomery City; Block Group 2 of Montgomery City; Tract 14, excluding Block Group 4 of Montgomery City and Block Group 5 of Montgomery City; Tract 20, excluding Block Group 1 of Montgomery City and Block Group 4 of Montgomery City; Tract 21; Tract 22; Block Group 1 of Montgomery City; Block Group 2 of Montgomery City; Block Group 3 of Montgomery City; Block Group 4 of Montgomery City; Tract 28; Tract 29; Tract 31; Tract 32; Tract 56.03; Pike Road Division; Tract 56.01 in Montgomery City.

HOUSE DISTRICT 81 SHALL CONSIST OF: In Elmore County, excluding Elmore Division; Tract 104; Enumeration District 0972, and Enumeration District 0974, and Enumeration District 0975, and Enumeration District 0977, and Enumeration District 0978, and Enumeration District 0979.

HOUSE DISTRICT 82 SHALL CONSIST OF: In Autauga County (all); In Chilton County: Clanton Division; Tract 601; Enumeration District 0515U; Enumeration District 0516; Verbena Division; Tract 607; Enumeration District 0520; Enumeration District 0521.

HOUSE DISTRICT 83 SHALL CONSIST OF: Bibb County (all); In Chilton County: Isabella-Pletcher Division (all); Jemison Division (all); Maplesville Division (all); In Tuscaloosa County: Abernant Division (all); Big Sandy-Duncanville Division; Tract 107; Enumeration District 0674T; Enumeration District 0674U; Coaling-Vance Division except Tract 107, Enumeration District 0666T.

HOUSE DISTRICT 84 SHALL CONSIST OF: In Dallas County: Selma Division (all).

HOUSE STRICT 85 SHALL CONSIST OF: In Dallas County: Craig-Tyler Division (all); Sardis Division; Enumeration District 0061; Enumeration District 0062; In Lowndes County (all); In Wilcox County (all).



HOUSE DISTRICT 86 SHALL CONSIST OF: In Dallas County except Craig-Tyler Division; Sardis Division, Enumeration District 0061, Enumeration District 0062; and Selma Division; In Hale County except Stewart-Akron Division; In Perry County (all).

HOUSE DISTRICT 87 SHALL CONSIST OF: Greene County (all); In Hale County: Stewart-Akron Division (all); In Pickens County: Aliceville Division except Enumeration District 0570; Carrollton Division; Pickensville Town (all); Enumeration District 0564; Raleigh Division (all); In Sumter County.

HOUSE DISTRICT 88 SHALL CONSIST OF: In Choctaw County: Gilbertown-Toxey Division except Enumeration District 0338T, and Enumeration District 0338U; Silas Division (all); In Clark County: Coffeerville Division (all); Fulton Division (all); Grove Hill Division except Enumeration District 0066; Thomasville Division (all); In Washington County.

HOUSE DISTRICT 89 SHALL CONSIST OF: In Choctaw County: Butler Division (all); Gilbertown-Toxey Division; Enumeration District 0338T; Enumeration District 0338U; Lismann Division (all); In Marengo County (all).

HOUSE DISTRICT 90 SHALL CONSIST OF: In Clarke County: Grove Hill Division; Enumeration District 0066; Jackson Northwest Division (all); Jackson Southeast Division (all); In Conecuh County: Repton Division (all); In Monroe County (all).

HOUSE DISTRICT 91 SHALL CONSIST OF: In Escambia County except Brewton Division, Enumeration District 0236.

HOUSE DISTRICT 92 SHALL CONSIST OF: In Butler County (all); In Conecuh County except Repton Division; In Escambia County: Brewton Division; Enumeration District 0236.

HOUSE DISTRICT 93 SHALL CONSIST OF: In Covington County (all).

HOUSE DISTRICT 94 SHALL CONSIST OF: In Baldwin County: Elberta Division (all); Fairhope Division (all); Foley Division (all); Robertsedale Division; Robertsedale City (all); Tract 109; Enumeration District 0410; Summerdale Division (all).

HOUSE DISTRICT 95 SHALL CONSIST OF: In Baldwin County: Bay Minette Division, except Tract 103, Enumeration District 0392 and Enumeration District 0396 and Enumeration District 0398 and Enumeration District 0399; Tract 104, Enumeration District 0391; Tract 105, Enumeration District 0395; and Tract 106, Enumeration District 0397. Daphne Division (all); Robertsedale Division, except Tract 109, Enumeration District 0404T and Enumeration District 0404U and Enumeration District 0410. Stockton Division (all).

HOUSE DISTRICT 96 SHALL CONSIST OF: In Baldwin County: Bay Minette Division; Tract 103; Enumeration District 0392; Enumeration District 0396; Enumeration District 0398; Enumeration District 0399; Tract 104; Enumeration District 0391; Tract 105; Enumeration District 0395; Tract 106; Enumeration District 0397; In Mobile County: Mobile Division; Tract 38.02; Tract 38.99; Tract 47, except Block Group 2 in Prichard City and Block Group 3 in Prichard City. Tract 48, except Block Group 3 in Prichard City and Block Group 4 in Prichard City; Tract 50, except that portion of Tract 50 in Prichard City; Tract 51; Tract 52; Tract 53; Tract 54; Tract 55; Tract 56; Tract 57; Mount Vernon Division; Tract 58, except Enumeration District 0525 and Enumeration District 0527.

HOUSE DISTRICT 97 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 1; Tract 2; Tract 3, except Block Group 4 of Mobile City; Tract 9.03; Tract 10.01; Tract 10.02; Tract 11; Tract 12.02; Tract 12.99; Tract 13.01; Tract 13.02; Tract 14; Tract 15.01; Tract 15.02; Tract 16; Tract 17; Block Group 2 of Mobile City; Tract 18; Block Group 1 of Mobile City; Tract 23.01; Block Group 1 of Mobile City; Block Group 2 of Mobile City; Tract 23.02; Tract 24; Block Group 1 of Mobile City; Block Group 2 of Mobile City; Block Group 3 of Mobile City.

HOUSE DISTRICT 98 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 38.01; Tract 39.01; Tract 39.02; Tract 40; Tract 41; Tract 42; Tract 43; Tract 44; Tract 45; Tract 46; Tract 47; Block Group 2 of Prichard City; Block Group 3 of Prichard City; Tract 48; Block Group 3 of Prichard City; Block Group 4 of Prichard City; Tract 49, Tract 50 in Prichard City; Tract 61, Block Group two of Prichard City.

HOUSE DISTRICT 99 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 3; Block Group 4 in Mobile City; Tract 4.01; Tract 4.02; Tract 5; Tract 6; Tract 7.01; Tract 7.02; Tract 8; Tract 9.01; Block Group 1 in Mobile City; Tract 12.01; Tract 26; Tract 27; Block Group 1 in Mobile City; Block Group 5 in Mobile City.

HOUSE DISTRICT 100 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 27; Block Group 4 in Mobile City; Tract 28; Block Group 5 in Mobile City; Tract 29; Tract 30; Tract 31; Tract 32.01; Tract 32.02; Tract 33.01; Tract 33.02; Block Group 2 in Mobile City; Block Group 3 in Mobile City; Block Group 4 in Mobile City; Tract 37.01; Block Group 1 in Mobile City; Tract 37.02, except Block Group 3 in Mobile City.

HOUSE DISTRICT 101 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 32.03; Tract 33.02; Block Group 1 in Mobile City; Block Group 5 in Mobile City; Tract 34.01; Tract 34.02; Tract 34.03 in Mobile City except Block Group 1 in Mobile City, and Block Group 5 in Mobile City, and Block Group 9 in Mobile City; Tract 34.04; Tract 34.05; Tract 34.06; Tract 35.01; Tract 35.02; Tract 36.01; Tract 36.02; Tract 36.03; Tract 61; Block Group 2 in Mobile City.

HOUSE DISTRICT 102 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 9.01 except Block Group 1 in Mobile City; Tract 9.02; Tract 17 except Block Group 2 in Mobile City; Tract 18 except Block Group 1 in Mobile City; Tract 19.01; Tract 19.02; Tract 20; Tract 21; Tract 22; Tract 23.01; Block Group 3 in Mobile City; Tract 24 except Block Group 1 in Mobile City, and Block Group 2 in Mobile City, and Block Group 3 in Mobile City; Tract 25.01; Tract 25.02; Tract 27; Block Group 2 in Mobile City; Block Group 3 in Mobile City; Tract 28 except Block Group 5 in Mobile City.

HOUSE DISTRICT 103 SHALL CONSIST OF: In Mobile County: Citronelle Division (all); Mobile Division; Tract 34.03; Block Group 1 in Mobile City; Block Group 5 in Mobile City; Block Group 9 in Mobile City; Tract 34.03 outside of Mobile City; Tract 61 except Block Group 2 in Mobile City, and Block Group 2 outside of Mobile City; Mount Vernon Division; Tract 58; Enumeration District 0525; Enumeration District 0527; Semmes Division; Tract 62; Tract 63.

HOUSE DISTRICT 104 SHALL CONSIST OF: In Mobile County: Mobile Division; Tract 37.01; Block Group 2 in Mobile City; Block Group 5 in Mobile City; Tract 37.02; Block Group 3 in Mobile City; Tract 68; Tanner-Williams Division; Tract 64; Theodore Division; Tract 69.

HOUSE DISTRICT 105 SHALL CONSIST OF: In Mobile County: Bayou LaBatre Division; Tract 72.01; Tract 72.02; Tract 72.99; Tract 73; Grand Bay Division; Tract 65; Tract 66; Tract 67; Theodore Division; Tract 70; Tract 71.

Section 2. The Senate of the Alabama Legislature shall consist of 35 members and the state is hereby divided into 35 senatorial districts for the election of one senator from each district at-large. Each senator shall reside in the district he represents. Each senatorial district shall be composed of districts into which the state is divided by Section 1 of this Act for the purpose of electing members of the House of Representatives of the Alabama Legislature as follows:

- District 1 House District Nos. 1, 2 and 3;
- District 2 House District Nos. 4, 5 and 6;
- District 3 House District Nos. 7, 8 and 9;
- District 4 House District Nos. 10, 11 and 12;
- District 5 House District Nos. 13, 14 and 15;
- District 6 House District Nos. 16, 17 and 18;
- District 7 House District Nos. 19, 20 and 21;
- District 8 House District Nos. 22, 23 and 24;
- District 9 House District Nos. 25, 26 and 27;
- District 10 House District Nos. 28, 29 and 30;
- District 11 House District Nos. 31, 32 and 33;
- District 12 House District Nos. 34, 35 and 36;
- District 13 House District Nos. 37, 38 and 39;
- District 14 House District Nos. 40, 41 and 42;
- District 15 House District Nos. 43, 44 and 45;
- District 16 House District Nos. 46, 47 and 48;
- District 17 House District Nos. 49, 50 and 51;
- District 18 House District Nos. 52, 53 and 54;
- District 19 House District Nos. 55, 56 and 57;
- District 20 House District Nos. 58, 59 and 60;
- District 21 House District Nos. 61, 62 and 63;
- District 22 House District Nos. 64, 65 and 66;
- District 23 House District Nos. 67, 68 and 69;
- District 24 House District Nos. 70, 71 and 72;
- District 25 House District Nos. 73, 74 and 75;
- District 26 House District Nos. 76, 77 and 78;
- District 27 House District Nos. 79, 80 and 81;
- District 28 House District Nos. 82, 83 and 84;

District 29 House District Nos. 85, 86 and 87;  
 District 30 House District Nos. 88, 89 and 90;  
 District 31 House District Nos. 91, 92 and 93;  
 District 32 House District Nos. 94, 95 and 96;  
 District 33 House District Nos. 97, 98 and 99;  
 District 34 House District Nos. 100, 101 and 102;  
 District 35 House District Nos. 103, 104 and 105.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act shall be effective for the election of members of the House of Representatives and for the election of Senators in the Alabama Legislature at the general election of 1982, and until each house of the Legislature, respectively, is reapportioned in accordance with the provisions of the Alabama Constitution.

On motion of Mr. Proctor, said substitute was laid on the table

Yeas 20; Nays 6.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Bailey	Harrison	Martin	Smith	
Barron	Higginbotham	Miller	Taylor	
Britnell	Holmes	Mitchem	Vacca	
Cook	Keener	Proctor	White	
deGraffenried				—20

*Nays:*

Messrs.:	Hall	Parsons	Weeks	
Figures	Hilliard	Pearson		—6

And said Bill, S. B. 1, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 5.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Goodwin	Little	Robertson	
Barron	Gulledge	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Parsons	White	—27

*Nays:* Messrs.: Figures, Harrison, Hilliard, Pearson and St. John. —5

Mr. Proctor moved that the Senate reconsider the vote by which the Bill, S. B. 1, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Manley, Campbell, Bennett, Smith (J), Hines, Ward, Cates, Howard and Kelley:

H. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 49. Relating to appropriations for the ordinary expenses of certain of the executive, legislative and judicial departments of the state, for other functions of government, for interest on public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, made by Act No. 81-859, H. 630 of the 1981 Regular Session, so as to further provide for supplemental appropriations to certain of the agencies therein and to make additional supplemental appropriations from the general fund of the state treasury for such fiscal year and from the Polygraph Examiners Fund; making supplemental appropriations to the Military Department for purposes of social security; to the Board of Polygraph Examiners for purposes of the Polygraph Examiners Fund, to the Department of Conservation and Natural Resources for purposes of Outdoor Recreation Sites and Services, to the Department of Public Health for purposes of Environmental Health Improvement-Hazardous Waste Control, and to the Board of Pardons and Paroles for operations and functions of the Board, for supplemental appropriations of \$4,631,383 from the general fund and \$14,000 from the Polygraph Examiners Fund, which appropriations shall be in addition to any and all other funds heretofore and hereinafter appropriated.

Also:

By Reps. Whatley and Smith (C):

H. 56. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 49. To the Committee on Finance and Taxation.

H. B. 56. To the Committee on Governmental Affairs.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 3. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

Also:

By Rep. McKee:

H. 46. To make a supplemental appropriation to the State Board of Physical Therapy from the Physical Therapist Fund for the fiscal year ending September 30, 1982.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 3. To the Committee on Commerce, Transportation, and Utilities.

H. B. 46. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bowling:

H. 37. To define the criminal offense of illegal possession of food

stamps; to classify the degrees of such offense; and to prescribe punishment for the commission of such offense.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing committee, as follows:

H. B. 37. To the Committee on Judiciary.

ADJOURNMENT

At 6:10 P. M., Mr. Proctor moved that the Senate adjourn until Wednesday, October 7, 1981, at 11 o'clock A. M.

Mr. Higginbotham offered a substitute motion that the Senate adjourn until Wednesday, October 7, 1981, at 1:30 P. M., which motion was adopted, and at 6:12 P. M., the Senate adjourned until Wednesday, October 7, at 1:30 P. M.

## FIFTH LEGISLATIVE DAY

WEDNESDAY, OCTOBER 7, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Jiles Williams, Jr., Pastor, New Providence Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague
Cook	Hilliard	Miller	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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## JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Glass, Goodwin, Mitchem, and St. John for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:



S. 60. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 57. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 39. ENCOURAGING THE MARYLAND PAROLE COMMISSION TO DENY PAROLE TO ARTHUR BREMER.

Also:

H. J. R. 40. MOURNING THE DEATH OF OFFICER TOMMY LEE THEDFORD.

Also:

H. J. R. 42. COMMENDING RADIO STATION WLWI IN MONTGOMERY, ALABAMA, ON ITS PROMOTION OF OCTOBER AS "COUNTRY MUSIC MONTH."

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. White:

S. 83. To provide for an additional seven workday delay in the payment of salaries to employees of the state of Alabama so that the said salaries will be paid biweekly two weeks in arrears.

Committee on Governmental Affairs.

Mr. Teague:

S. 84. To make an appropriation to the State Board of Polygraph Examiners from the State Board of Polygraph Examiners Fund for the fiscal year ending September 30, 1982.

Committee on Finance and Taxation.

By Mr. Hilliard (with notice and proof):

S. 85. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 85, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 86. Relating to Class 1 municipalities, to authorize the mayor of any Class 1 city of this state to employ for and in behalf of said City a Chief Administrative Assistant to the Mayor, to provide that the salary of the Chief Administrative Assistant shall be determined by the Mayor, and to provide that such employee shall not be subject to any merit system.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 86, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 87. To provide members of the governing body of Class 1 cities in Alabama and all cities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 87, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 88. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as

amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the number and salary of the mayor's assistants shall be determined by the mayor.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 88, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. deGraffenried (with notice and proof):

S. 89. To amend Section 6 of Act No. 249, S. 291, of the 1947 Regular Session of the Legislature (Local Acts 1947, p. 174) relating to the civil service system for the City of Tuscaloosa so as to provide further for the compensation of the members of the civil service board for said city.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 89, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 41. MOURNING THE DEATH OF PRESIDENT ANWAR AL-SADAT OF EGYPT.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

### BILLS ON THIRD READING

The Bill:

H. 19. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Barron	Cook	Figures
Bailey	Britnell	Denton	Hall

Hilliard	Little	Pearson	Teague
Holmes	Martin	Proctor	Vacca
Keener	McDonald	Smith	Weeks
Kirkland	Miller	Taylor	White
Lemaster	Parsons		

—25

Nays:

—0

The Bill:

S. 72. Relating to Marion County; to further amend Act No. 80-128, H. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Britnell	Hilliard	Miller	Teague
Cook	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Hall	Little		

—25

Nays:

—0

The Bill:

H. 13. Relating to the City of Valley in Chambers County; to provide further for the police jurisdiction.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Higginbotham	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Kirkland		

—25

Nays:

—0

The Bill:

H. 24. To give the county commission of Greene County the authority to increase certain clerk hire allowances and to provide for the purchase of certain office equipment.

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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

H. 25. Relating to Greene County; to further provide for the per diem of members of the County Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Harrison	Miller	Teague
Britnell	Hilliard	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—25

*Nays:* —0

The Bill:

H. 28. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

H. 33. Relating to Cleburne County; providing further for the treating, depositing, dumping, the site of transporting of industrial waste in the county; creating the Cleburne County Industrial Waste Committee and providing for the composition of such committee, the selection of the membership, terms of office, powers and duties; providing for meetings and transaction of business; prescribing public hearings on all proposed activities and sites for such wastes and recommendation therefor by the committee to the appropriate state agencies; and specifically providing that no provision of this act shall be construed to amend or repeal any general law relating to regulating hazardous or solid wastes.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Harrison	Pearson	Weeks	
Cook	Holmes	Proctor	White	
deGraffenried	Kirkland			—25

Nays: —0

The Bill:

H. 38. Relating to Cullman County; amending Section 1 of Act No. 711, H. 1109 of the 1976 Regular Session (Acts 1976, p. 991), relating to costs and charges in criminal cases, so as to further define such costs shall apply in municipal as well as other courts in the county and circuit, and to further prescribe the amount and expenditure of said costs.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 40. Relating to Clarke County; amending Section 2 and repealing Section 3 of Act No. 446, H. 244, Regular Session 1975 (Acts of Alabama 1975, p. 1068), which act provides a clerk-hire allowance for the tax assessor, so as to change the manner of payment of such clerk.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 41. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Priceville, Alabama, for the conduct of a general banking and trust business.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

H. 55. Relating to Conecuh County; providing an additional clerk-hire allowance for the tax collector and specifically repealing Act No. 471, H. 1265 of the 1975 Regular Session of the Legislature (Acts 1975, p. 1095) and Act No. 79-648 of the 1979 Regular Session of the Legislature (Acts 1979, p. 1128) and all other laws in conflict herewith.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	Miller	Teague
Britnell	Harrison	Parsons	Vacca
Callahan	Hilliard	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Kirkland		

—25

*Nays:* —0

## The Bill:

H. 65. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Gulledge	Little	Proctor	
Barron	Hall	Martin	Smith	
Britnell	Hilliard	McDonald	Taylor	
Callahan	Holmes	Miller	Teague	
Cook	Keener	Parsons	Weeks	
Denton	Kirkland			—25

Nays: —0

## The Bill:

H. 64. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Gulledge	Little	Proctor	
Barron	Hall	Martin	Smith	
Britnell	Higginbotham	McDonald	Taylor	
Callahan	Hilliard	Miller	Teague	
Cook	Holmes	Parsons	Weeks	
Denton	Keener			—25

Nays: —0

## The Bill:

H. 67. Relating to Tallapoosa County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Jacksons' Gap in said county.

was read a third time at length and passed.



Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Gulledge	McDonald	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Callahan	Hilliard	Pearson	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 70. To alter, rearrange and extend the boundary lines and corporate limits of the town of Fort Deposit in Lowndes County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Gulledge	Little	Proctor	
Barron	Hall	Martin	Taylor	
Britnell	Hilliard	McDonald	Vacca	
Callahan	Holmes	Miller	Weeks	
Cook	Keener	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 66. To authorize the Etowah County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county general fund; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; and to prescribe penalties for the violations of the provisions of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Gulledge	McDonald	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

*Nays:* —0

## RESOLUTION

Mr. Teague offered the following Senate Resolution, to-wit:

S. R. 27. EXTENDING BIRTHDAY WISHES TO MR. OCIE M. COOK, SR.

Which was adopted.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 39. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

was taken up.

Mr. Little offered the following substitute for the Bill, S. B. 39, to-wit:

## SUBSTITUTE FOR S. B. 39

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

Section 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

“(1) Baldwin, Lee, Madison, Etowah, Morgan, Talladega, Tuscaloosa and Walker Counties shall each have two resident district judges.

“(2) Montgomery County shall have three resident district judges.

“(3) Mobile County shall have four resident district judges.

“(4) Jefferson County shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division.

“(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both bounties.

“(6) Coosa and Clay Counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties.”

Section 2. There is hereby created and shall be established effective on January 1, 1982, the office of District Judgeship No. 2 of Lee County, which shall be in addition to the one judgeship now existing. The existing judgeship shall be designated District Judgeship No. 1. The first judge of said additional District Judgeship No. 2 of Lee County shall be appointed by the Governor in the manner provided in Section 6.14 of Amendment 328 to the 1901 Constitution of Alabama on or before December 31, 1981, for an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. Thereafter, successors shall be elected as provided by law for a full term of office beginning at the end of the appointed term.

Section 3. The judge of said District Judgeship No. 2 shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligation and penalties that other district judges may be subject to exercise and perform. The additional district judge provided for in this Act shall receive the same salary and supplements payable in the same manner as the existing district judge of Lee County.

Section 4. There is hereby appropriated the sum of \$57,400.00 for the remainder of the fiscal year 1982 from the general fund of Alabama for the salary, support and maintenance of the office of District Judgeship No. 2 of Lee County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective on January 1, 1982, next following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 8; Nays 1.

Yeas:

Messrs.:	Higginbotham	Little	Smith	
deGraffenried	Kirkland	McDonald	Teague	
Hall				—8

Nay: Mr. Weeks. —1

And said Bill, S. B. 39, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	deGraffenried	Hilliard	Pearson	
Bailey	Gulledge	Keener	Robertson	
Barron	Hall	Kirkland	Smith	
Britnell	Harrison	Little	Teague	
Cook	Higginbotham	McDonald		—18

Nays: —0

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointments and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Walter B. Lawson and Mr. Harold G. McAbee to the Tuscaloosa City Civil Service Board.

On motion of Mr. deGraffenried, the appointment of Mr. Lawson was confirmed by the Senate.

Yeas 12; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Kirkland	Robertson	
Barron	Denton	Little	Teague	
Britnell	Higginbotham	McDonald	Weeks	
Cook				—12

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

On motion of Mr. deGraffenried, the appointment of Mr. McAbee was confirmed by the Senate.

Yeas 13; Nays 0

*Yeas:*

Messrs.:	Denton	McDonald	Smith	
Barron	Hall	Pearson	Teague	
Cook	Higginbotham	Robertson	Weeks	
deGraffenried	Little			—13

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. William C. Moore to the Tuscaloosa County Civil Service Board.

On motion of Mr. deGraffenried, the appointment of Mr. Moore was confirmed by the Senate.

Yeas 14; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Britnell	Harrison	Parsons	Teague	
Cook	Little	Robertson	White	
deGraffenried	McDonald	Smith		—14

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Roy F. Bragg to the Alabama Real Estate Commission.

On motion of Mr. White, the appointment of Mr. Bragg was confirmed by the Senate.

Yeas 13; Nays 0.

*Yeas:*

Messrs.:	Denton	Miller	Taylor
Barron	Higginbotham	Parsons	Teague
Britnell	Little	Smith	White
Cook	McDonald		

—13

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

## RESOLUTIONS

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 28. HONORING JUDGE FRANK B. EMBRY, DISTINGUISHED ALABAMA JURIST.

WHEREAS, Judge Frank B. Embry is one of Alabama's most prominent attorneys who, at the age of 90, yet maintains an office in Pell City, Alabama; and

WHEREAS, a native of Clay County, Alabama, Judge Embry was educated in the public schools in Ashland, was graduated from the Cumberland University Law School, Lebanon, Tennessee, and joined his father, James A. Embry, in the practice of law in Ashland following admittance to the Alabama State Bar in 1913; and

WHEREAS, Frank B. Embry, who served two terms as Mayor of Pell City, also was a member of the Alabama House of Representatives from 1923 to 1927 and served, as solicitor of the circuit comprised of Blount, Etowah and Saint Clair Counties, from 1944 to 1953, at which time he was appointed by Governor Gordon Persons as Judge of the Blount-Saint Clair Circuit; and

WHEREAS, Judge Embry has further served as special judge in the circuit courts at Scottsboro, Russellville, Centre, Birmingham, Selma, Butler and Bay Minette, and in Montgomery for a period of some six years where he was honored by the Court and by the Montgomery County Bar Association for his long and "faithful service to the bench and bar of Montgomery County"; and

WHEREAS, in addition to himself and his father, Judge Frank Embry's maternal grandfather, Leroy F. Box, also was a member of the Alabama Bar as is his son, Justice T. Eric Embry, with whom he once sat, by special

appointment, on the same case for the first time in the history of the Alabama Supreme Court; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and honor Judge Frank B. Embry as one of our state's most outstanding attorneys and as one who has served his profession with dedication and distinction for almost 70 years.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Judge Embry that he may know of our warm sincere praise, deep appreciation and esteem.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 29. COMMENDING AND CONGRATULATING MR. PAUL M. HARDEN UPON HIS RECENT ELECTION AS EXECUTIVE VICE PRESIDENT OF THE ALABAMA CRIMINAL DEFENSE LAWYERS ASSOCIATION.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 10. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 10. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 73. To amend Section 17-9-33, Code of Alabama 1975, which provides for the canvassing of votes and the proclamation of election results, so as to allow non-carbonized paper to be used on the statements of canvass.

Also:

By Rep. Venable:

H. 74. To amend Code of Alabama 1975, Section 17-16-15, which section relates to Assessments and other qualifications for candidates for nomination, so as to have assessments not to exceed two percent of one year's salary as presently stipulated but without the present \$600 maximum.

Also:

By Reps. Dixon, Pegues and Carter:

H. 45. To amend Section 6-5-333, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 73 and 74. To the Committee on Governmental Affairs.

H. B. 45. To the Committee on Health and Welfare.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 2. To amend Sections 136 and 137 of the Alabama Business Corporations Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, p. 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, so as to provide that information filed by corporations pursuant to Section 40-14-21 and 40-14-22, Code of Alabama 1975, shall constitute and be accepted in lieu of the requirement of filing annual reports under the Sections referred to hereinabove and to amend Section 10-2A-281, Code of Alabama 1975, which provides for fees for filing certain documents, so as to eliminate the fee for filing an annual report.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 2. To the Committee on Judiciary.

## REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith:

S. 77. To amend Section 7 of Act No. 81-721, H. 769 of the 1981 Regular Session (Acts 1981, page 1227) which authorizes the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels, so as to grant the authority the power to convey to any private corporation for fair market value any real, personal or mixed property necessary or convenient to the authority in the performance of its duties.

By Mr. Martin:

S. 41. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

By Messrs. Keener, Denton, and Kirkland:

S. 24. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

By Mr. Parsons:

S. 22. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

By Mr. Teague:

S. 27. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state and to increase certain fees and charges in relation to transfer of a license and examinations.

By Mr. Teague:

S. 69. To amend further section 41-16-100 of the Code of Alabama 1975, as amended, so as to provide for trade-in of certain state property by the state financial director.

By Mr. Teague:

S. 70. To authorize the division of purchases and stores of the finance department, with approval of the finance director, to delegate to all departments and agencies served by that division the right to make purchases not exceeding two hundred fifty dollars (\$250.00) without prior approval; authorizes the state comptroller to make payment therefor; and to repeal conflicting laws.



Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (With Substitute):

S. 13. To repeal Sections 10-2A-260 and 10-2A-261, Code of Alabama 1975, to eliminate the filing of an annual report with the Secretary of State; to repeal the filing fee for such annual report by amending Section 10-2A-281(20), Code of Alabama 1975; and to require more comprehensive information to be given on the permit application filed with the Department of Revenue under Sections 40-14-21 and 40-14-22, Code of Alabama 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 82. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration, to be effective retroactive October 1, 1980.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Manley, Campbell, Bennett, Smith (J), Hines, Ward, Cates, Howard and Kelley (With Amendments):

H. 1. To provide for the reapportionment of the two houses, of the Alabama Legislature based upon the 1980 census.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 3. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Callahan, St. John, White and deGraffenried:

S. 79. To create an interim committee to be known as the Alabama Housing Finance Authority Appropriations Interim Committee; to prescribe the composition and appointment of the membership; to prescribe the committee's powers and duties; to provide for the election of a chairman and vice chairman of the committee and its organization, meetings and conduct of business; to make a conditional appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Housing Finance Authority for its operational purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

By Reps. Moore, Waggoner and Smith (C):

H. 30. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendment):

H. 49. Relating to appropriations for the ordinary expenses of certain of the executive, legislative and judicial departments of the state, for other functions of government, for interest on public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, made by Act No. 81-859, H. 630 of the 1981 Regular Session, so as to further provide for supplemental appropriations to certain of the agencies therein and to make additional supplemental appropriations from the general fund of the state treasury for such fiscal year and from the Polygraph Examiners Fund; making supplemental appropriations to the Military Department for purposes of social security; to the Board of Polygraph Examiners for purposes of the Polygraph Examiners Fund, to the Department of Conservation and Natural Resources for purposes of Outdoor Recreation Sites and Services, to the Department of Public Health for purposes of Environmental Health Improvement-Hazardous Waste Control, and to the Board of Pardons and Paroles for operations and functions of the Board, for supplemental appropriations of \$4,631,383 from the general fund and \$14,000 from the Polygraph Examiners Fund, which appropriations shall be in addition to any and all other funds heretofore and hereinafter appropriated.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Ray and Holley (with notice and proof):

H. 59. Relating to the twelfth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

By Rep. Naramore (with notice and proof):

H. 61. Relating to the fourteenth judicial circuit; regulating certain salary increases for certain personnel in the district attorney's office.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Naramore (with notice and proof) (With Substitute):

H. 62. Relating to Walker County; providing further for the compensation of the clerk of the jury commission.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Naramore (with notice and proof):

H. 63. To amend Section 2 of Act No. 464, H. 1238 of the 1977 Regular Session of the Legislature (Acts 1977, p. 603) relating to the salary of the investigator for the district attorney's office in the fourteenth judicial circuit so as to provide further for such salary.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White (with notice and proof):

S. 81. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

#### MESSAGE TO THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Waggoner, Gafford, Moore, Bennett and Amari (with notice and proof):

H. 7. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of reemployment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 7, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 9. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 9, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 11. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 11, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 12. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 12, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Kennedy (with notice and proof):

H. 51. To provide a supplement to the salaries of district court bailiffs in the Thirteenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 7, 9, 11, and 12. To the Committee on Local Legislation No. 2.

H. B. 51. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Ethics Commission.

Respectfully submitted,  
BOB A DAVIS,  
State Administrations Officer.

Done this 7th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Ed Sherling (replacing Mrs. Bester D. Bonner)  
Box 986  
Enterprise, Alabama 36330  
Term expiring September 1, 1986

as a member of the State Ethics Commission.

Respectfully,  
FOB JAMES,  
Governor.

Done this 7th day of October, 1981.

### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Ethics Commission was read and referred to the Standing Committee on Rules.

### ADJOURNMENT

At 5 o'clock P.M., on motion of Mr. McDonald, the Senate adjourned until Thursday, October 8, 1981, at 11 o'clock A.M.

SIXTH LEGISLATIVE DAY  
THURSDAY, OCTOBER 8, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

PRAYER

The Session was opened with prayer by the Reverend Lawson R. Bryan, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster		

—33

JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Britnell and Glass for today.

COMMUNICATION FILED

On motion of Mr. Little, the following Communication from Mr. Louis Greene was read and ordered spread upon the Journal, to-wit:

COMMUNICATION FROM THE LEGISLATIVE  
REFERENCE SERVICE

October 8, 1981

MEMORANDUM

TO: Senator Lister Proctor and  
Representative Rick Manley

FROM: Louis Greene

RE: Re-apportionment Bill

It would be greatly appreciated if you could arrange for us to have the entire week of the 12th for purposes of verifying the correctness of the re-apportionment bill.

I have made arrangements for assistance from the University of Alabama and the University of South Alabama and I believe that if a recess was taken until Tuesday the 20th, all corrections necessary could be identified and corrected.

Very truly yours,

LOUIS GREENE,  
Director.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 21. STRONGLY URGING THE HIGHWAY DEPARTMENT TO PLACE WARNING GATES AND OVERHEAD WARNING SIGNALS AT THE JORDAN LANE RAILROAD CROSSING IN HUNTSVILLE, ALABAMA, AND REQUESTING A DETAILED EXPLANATION TO THE LEGISLATURE IF SUCH ACTIONS ARE NOT TAKEN.

Also:

S. J. R. 28. HONORING JUDGE FRANK B. EMBRY DISTINGUISHED ALABAMA JURIST.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 9. Relating to Escambia County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags or decals for motor vehicles in such county.

Also:

S. 58. Relating to the cities of Sylacauga, Talladega, Childersburg and Lincoln in Talladega County, Alabama; authorizing said cities at the sole discretion of their respective city councils to appropriate funds each fiscal year to pay for costs of the Talladega County District Court, Juvenile Division.

Also:

S. 59. Relative to Talladega County; to amend further Act No. 81-125, S. 101, 1981 Regular Session (Acts 1981), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of Juvenile Justice and Law Enforcement by increasing the costs and charges of Court.

Also:

S. 65. Relating to Marshall County; to provide for an additional expense allowance for the members of the board of equalization of said county and to repeal Act No. 81-511, S. 589, 1981 Regular Session (Acts 1981, p. 874).

Also:

S. 71. Relating to Marshall County; to provide for an additional expense allowance for the members of the jury commission of said county and to repeal Act No. 81-512, S. 590, 1981 Regular Session (Acts 1981, p. 874).

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 13. Relating to the City of Valley in Chambers County; to provide further for the police jurisdiction.

Also:

H. 19. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Also:

H. 24. To give the county commission of Greene County the authority to increase certain clerk hire allowances and to provide for the purchase of certain office equipment.

Also:

H. 25. Relating to Greene County; to further provide for the per diem of members of the County Board of Equalization.



Also:

H. 28. To provide for a certain increase in court costs in the Choctaw County division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for the salaries of deputies sheriff in Choctaw County.

Also:

H. 33. Relating to Cleburne County; providing further for the treatment, depositing, dumping, the site or transporting of industrial waste in the county; creating the Cleburne County Industrial Waste Committee and providing for the composition of such committee, the selection of the membership, terms of office, powers and duties; providing for meetings and transaction of business; prescribing public hearings on all proposed activities and sites for such wastes and recommendation therefor by the committee to the appropriate state agencies; and specifically providing that no provision of this act shall be construed to amend or repeal any general law relating to regulating hazardous or solid wastes.

Also:

H. 38. Relating to Cullman County; amending Section 1 of Act No. 711, H. 1109 of the 1976 Regular Session (Acts 1976, p. 991), relating to costs and charges in criminal cases, so as to further define such costs shall apply in municipal as well as other courts in the county and circuit, and to further prescribe the amount and expenditure of said costs.

Also:

H. 40. Relating to Clarke County; amending Section 2 and repealing Section 3 of Act No. 446, H. 244, Regular Session 1975 (Acts of Alabama 1975, p. 1068), which act provides a clerk-hire allowance for the tax assessor, so as to change the manner of payment of such clerk.

Also:

H. 41. Relating to Morgan County; permitting banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Priceville, Alabama, for the conduct of a general banking and trust business.

Also:

H. 55. Relating to Conecuh County; providing an additional clerk-hire allowance for the tax collector and specifically repealing Act No. 471, H. 1265 of the 1975 Regular Session of the Legislature (Acts 1975, p. 1095) and Act No. 79-648 of the 1979 Regular Session of the Legislature (Acts 1979, p. 1128) and all other laws in conflict herewith.

Also:

H. 64. Relating to Bullock County; to further provide for the collection of any special county privilege license tax or taxes authorized by Amendment No. 128 to the Constitution of Alabama of 1901.

Also:

H. 65. Relating to Bullock County; providing for the levy and collection of special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama

1975, as amended; incorporating provisions of law applicable to the said state sales and use taxes; providing for the collection and enforcement of such taxes by the Department of Revenue of the state; providing for the distribution and use of the proceeds of the said taxes; providing for severability of the provisions hereof and the effective date hereof; providing penalties for the violations of this act; providing that such taxes constitute a lien; and providing for a referendum election before any such taxes may be levied.

Also:

H. 66. To authorize the Etowah County governing body to levy and collect, in addition to all other taxes heretofore imposed by law, a county excise and privilege tax on every person severing coal within the county; to provide that the proceeds collected therefrom be deposited in the county general fund; to authorize the county governing body to inspect the books of each person severing coal and to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this Act; and to prescribe penalties for the violations of the provisions of this Act.

Also:

H. 67. Relating to Tallapoosa County; to alter, rearrange and extend the boundary lines and corporate limits of the City of Jacksons' Gap in said county.

Also:

H. 70. To alter, rearrange and extend the boundary lines and corporate limits of the town of Fort Deposit in Lowndes County.

Also:

H. J. R. 41. MOURNING THE DEATH OF PRESIDENT ANWAR AL-SADAT OF EGYPT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

H. J. R. 35. SETTING MEETING DATES OF THE LEGISLATURE.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 35, to-wit:

COMMITTEE AMENDMENT TO H. J. R. 35

Amend H. J. R. 35 by striking the date "October 13" and inserting the date "October 20".

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 35, as thus amended, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 30. AMENDING JOINT RULES.

Mr. Pearson moved that the Resolution, H. J. R. 30, be re-committed to the Standing Committee on Rules.

Mr. White moved that the motion to re-commit be laid on the table, which motion was lost.

Yeas 7; Nays 9.

*Yeas:*

Messrs. Barron	deGraffenried Goodwin	Higginbotham Holmes	Robertson White	—7
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*Nays:*

Messrs.: Figures Hilliard	Little Martin McDonald	Miller Mitchem	Pearson Proctor	—9
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The question was then on the motion of Mr. Pearons to re-commit, which was adopted, and the President and Presiding Officer of the Senate ordered said Resolution, H. J. R. 30, re-committed to the Standing Committee on Rules.

RESOLUTIONS

Messrs. Little and Parsons offered the following Senate Resolution, to-wit:

S. R. 30. HONORING MRS. BURLADINE RUDISELL NEWTON, DEAN OF HOUSEMOTHERS AT AUBURN UNIVERSITY.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 31. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the second Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 49	20	Polygraph Examiners, Approp.
H. B. 30	19	Board of Education

H. B. 3	17	State Industrial Dev. Auth., exempt.
S. B. 79	18	Interim Committee
H. B. 1	17	Reapportionment of both houses of the Alabama Legislature

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 56. Relating to Escambia County; to amend Section 1, Section 4, and Section 6 of Act No. 81-841, H. 1056, 1981 Regular Session, relating to the county jury commission, so as to provide further for the board of appointment, and the compensation of the clerk and members of said commission.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 56, the title of which is set out in the foregoing Message from the House, to-wit:

#### SUBSTITUTE FOR SENATE BILL 56

#### A BILL TO BE ENTITLED AN ACT

Relating to Escambia County; to amend Act No. 81-841, H. 1056, 1981 Regular Session, relating to the county jury commission, so as to provide further for the board of appointment, and the compensation of the clerk and members of said commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-841, H. 1056, 1981 Regular Session, is hereby amended to read as follows:

"Section 1. In Escambia County, there is hereby created a county jury commission which shall be appointed by the board of appointment. Said commission shall be composed of four members, one to be appointed from each county commissioner district.

"The board of appointment for Escambia County shall be composed of the Circuit Judge, the Probate Judge and the Tax Assessor of the county. The Circuit Judge shall be the Chairman of the board of appointment.

"Section 2. The members of the jury commission shall serve at the pleasure of the board of appointment and shall serve for terms of four years until their successors are appointed and qualified or for a shorter term if dismissed for cause by the unanimous action of the board of appointment. Vacancies shall be filled by the board of appointment as soon as possible upon the occurrence of any vacancy. Any commissioner of the jury commission who

moves his residence from the district which he represents thereby automatically vacates his office. Members of the jury commission shall not hold any other public office or any political party office, nor shall they be employed by any governmental unit in any other capacity.

"Section 3. (a) The jury commission shall select from among its members a chairman at the first regular meeting of each year. The commission shall meet at least twice a year for regular meetings not to exceed four successive calendar days per meeting unless authorized by the board of appointment. The chairman shall be authorized, with consent of the board of appointment. The chairman shall be authorized, with consent of the board of appointment, to call special meetings of the jury commission. The chairman shall notify all members of the jury commission within a reasonable time, of all meetings, regular or special, including the time, place and subject matter of the meeting.

"(b) Three members present at any meeting shall constitute a quorum for the transaction of business and a majority vote thereof shall be sufficient to transact the business of the jury commission.

"(c) The jury commission shall perform the duties required by law of jury commission and shall have and exercise the powers and authority of such commission.

"Section 4. Each member of the jury commission shall be entitled to receive \$60.00 for each day he is actually engaged in the performance of his duties plus mileage on the same basis as mileage allowed to employees of the State of Alabama. Such compensation shall be paid by the county on certificate of the chairman of the jury commission.

"Section 5. Immediately upon the appointment of the jury commission under the provisions of this Act the clerk of the circuit court is directed to mail each member of the said jury commission a list of registered voters in each member's county commission district along with other suggested sources of names of prospective jurors and in addition to the clerk of the circuit court is to provide each member of said commission with a copy of the statutory qualifications for jurors and also a copy of persons exempt from jury duty by statute in order that said member of the jury commission might ascertain the names of qualified jurors in their respective district prior to going into formal session under the provisions of this act and thereby expedite the business of the said jury commission once it meets in formal session to fill the jury box.

"Section 6. The clerk of the circuit court of the county may, at his election, serve as clerk for the jury commission. If for any reason the circuit clerk does not choose to serve, the jury commission shall appoint a clerk. The clerk shall perform the duties prescribed by law for clerks of jury commissions, and shall keep the minutes and records of the board. He shall be paid \$2,400 per year, payable in equal monthly installments from the county general fund.

"Section 7. The board of appointment provided for in Section 1 shall meet within ten days from the effective date of this act, and at a time and place designated by the chairman, and select members of the jury commission as herein provided, whose terms shall begin on the date such meeting is held.

"Section 8. All laws or parts of laws which conflict with this act are repealed and specifically Act No. 515, H. 1267, Regular Session 1976 (Acts 1976, p. 658), is hereby repealed.

"Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

"Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Callahan	Hilliard	Parson	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

*Nays:*

—0

### BILLS ON THIRD READING

The Bill:

H. 59. Relating to the twelfth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Proctor	
Bailey	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Callahan	Hilliard	Miller	Taylor	
Cook	Holmes	Parsons	Teague	
Denton	Keener	Pearson	Weeks	
Figures	Kirkland			—25

*Nays:*

—0

The Bill:

H. 61. Relating to the fourteenth judicial circuit; regulating certain salary increases for certain personnel in the district attorney's office.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

*Nays:*

—0

The Bill:

H. 62. Relating to Walker County; providing further for the compensation of the clerk of the jury commission.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 62, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 62

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Walker County; providing further for the compensation of the clerk of the jury commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Walker County, the clerk of the jury commission shall receive a salary supplement of \$200.00 per month. Said salary shall be in lieu of any and all other salary supplements heretofore provided by law and be payable out of the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

*Nays:*

—0

And said Bill, H. B. 62, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

*Nays:*

—0

The Bill:

H. 63. To amend Section 2 of Act No. 464, H. 1238 of the 1977 Regular Session of the Legislature (Acts 1977, p. 603) relating to the salary of the investigator for the district attorney's office in the fourteenth judicial circuit so as to provide further for such salary.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	McDonald	St. John	
Bailey	Hilliard	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Vacca	
Denton	Kirkland	Pearson	Weeks	
Figures	Little	Proctor	White	
Goodwin	Martin			—25

*Nays:*

—0

The Bill:

S. 81. To authorize the Pension Board of the Jefferson County Pension System established by Act No. 497 of 1965, approved on August 20, 1965, to increase benefits which the said pension system provides for members of the system and to increase benefits which the said pension system provides for other persons on account of such other persons' dependence upon or relation to members of the system; and to prescribe the terms and conditions on which said Pension Board shall be authorized to increase such benefits.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Cook	Hilliard	Little
Bailey	Denton	Holmes	Martin
Barron	Figures	Keener	Miller
Callahan	Hall	Kirkland	Mitchem



SECOND EXTRAORDINARY SESSION  
6th Day

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Parsons	St. John	Teague	Weeks	
Pearson	Smith	Vacca	White	
Proctor	Taylor			—25
Nays:				—0

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 57. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Also:

S. 60. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Gulf Shores, in Baldwin County.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 51. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

JOHN W. PEMBERTON,  
Clerk.

REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Manley, Pegues, Clark (G) and Minus (with notice and proof) (With Substitute):

H. 6. To provide further for the 17th Judicial Circuit; to provide for an expense allowance for the district court judges of the 17th Judicial Circuit to

be paid by the counties comprising the circuit; to repeal conflicting laws; to specifically repeal Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), but has last amended, establishing the Sumter County Court of Record, so as to abolish such court.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Venable (with notice and proof):

H. 75. Relating to Elmore County; to amend section 5 of Act No. 983, H. 1019, Regular Session 1971, (Acts 1971, p. 1755) relating to the taxation of certain alcoholic beverages in said county, so as to provide further for such tax, and to provide for retroactive effect.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Dixon, Pegues and Carter:

H. 45. To amend Section 6-5-333, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner (with notice and proof):

H. 12. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

By Rep. Waggoner (with notice and proof):

H. 9. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

By Rep. Waggoner (with notice and proof):

H. 11. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system

for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 2. To amend Sections 136 and 137 of the Alabama Business Corporations Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, p. 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, so as to provide that information filed by corporations pursuant to section 40-14-21 and 40-14-22, Code of Alabama 1975, shall constitute and be accepted in lieu of the requirement of filing annual reports under the Sections referred to hereinabove and to amend Section 10-2A-281, Code of Alabama 1975, which provides for fees for filing certain documents, so as to eliminate the fee for filing an annual report.

By Rep. Bowling:

H. 37. To define the criminal offense of illegal possession of food stamps; to classify the degrees of such offense; and to prescribe punishment for the commission of such offense.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Waggoner:

H. 10. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

By Rep. Venable:

H. 73. To amend Section 17-9-33, Code of Alabama 1975, which provides for the canvassing of votes and the proclamation of election results, so as to allow non-carbonized paper to be used on the statements of canvass.

By Rep. Venable:

H. 74. To amend Code of Alabama 1975, Section 17-16-15, which section relates to Assessments and other qualifications for candidates for nomination, so as to have assessments not to exceed two percent of one year's salary as presently stipulated but without the present \$600 maximum.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Waggoner, Gafford, Moore, Bennett and Amari (with notice and proof):

H. 7. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a

retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of reemployment.

## MESSAGE FROM THE HOUSE

Mr. President

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 35. RELATIVE TO ADJOURNMENT TO TUESDAY, OCTOBER 20, 1981.

JOHN W. PEMBERTON,  
Clerk.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 49. Relating to appropriations for the ordinary expenses of certain of the executive, legislative and judicial departments of the state, for other functions of government, for interest on public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, made by Act No. 81-859, H. 630 of the 1981 Regular Session, so as to further provide for supplemental appropriations to certain of the agencies therein and to make additional supplemental appropriations from the general fund of the state treasury for such fiscal year and from the Polygraph Examiners Fund; making supplemental appropriations to the Military Department for purposes of social security; to the Board of Polygraph Examiners for purposes of the Polygraph Examiners Fund, to the Department of Conservation and Natural Resources for purposes of Outdoor Recreation Sites and Services, to the Department of Public Health for purposes of Environmental Health Improvement-Hazardous Waste Control, and to the Board of Pardons and Paroles for operations and functions of the Board, for supplemental appropriations of \$4,631,383 from the general fund and \$14,000 from the Polygraph Examiners Fund, which appropriations shall be in addition to any and all other funds heretofore and hereinafter appropriated.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 49, to-wit:

## COMMITTEE AMENDMENT TO H. B. 49

In the synopsis, page 1, line 25 and in the title, page 2, line 21, after the word "control", insert the following:

, to Blakely Park for its operations and functions

In section 2, page 3, immediately following the language on line 17, insert the following new sub-paragraph (e):

(e) For Blakely Park:

For the operations and functions of historic Blakely Park . . . \$150,000.

In section 3, page 3, line 28, after the word "Health", insert the following language:

, Blakely Park

Which was adopted.

Yeas 16; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Pearson	
Callahan	Hall	Little	Proctor	
deGraffenried	Harrison	Martin	St. John	
Denton	Holmes	Miller	White	
Goodwin				—16

*Nays:* —0

Mr. Denton offered the following amendment to the Bill, H. B. 49, as amended, to-wit:

#### AMENDMENT TO H. B. 49

On page 1, in the Synopsis, line 23, after the comma insert the following language: the Department of Finance, the office of the Secretary of State,

On page 2, line 17, after the comma insert the following language:

to the Department of Finance and to the office of the Secretary of State to implement the provisions of the Alabama Business Corporation Act,

On page 3, lines 18 through 33, delete Sections 2 through 4 in their entirety and insert in lieu thereof:

Section 2. (a) There is hereby appropriated from the general fund in the state treasury, for the fiscal year ending September 30, 1982, the sum of \$100,000 to the Department of Finance to be used for microfilming of corporate records, computerization and other associated costs of developing an automated record-keeping system for maintaining records required by the Alabama Business Corporations Act. The appropriation herein shall be in addition to any and all other funds heretofore or hereafter appropriated to the Department of Finance.

(b) For the fiscal year ending September 30, 1982, the following sums are hereby appropriated from the General Fund to the Office of the Secretary of State:

#### SOURCE OF FUNDS

(1) State General Fund .....	\$140,262
(2) General Fund-Retirement ...	749
(3) General Fund-Social Security	2,220
(4) General Fund-Health Insurance .....	<u>1,032</u>
Total .....	\$144,263

This appropriation shall be in addition to any and all other funds heretofore or hereafter appropriated to the Office of the Secretary of State.

Section 3. There is hereby appropriated \$14,000 from the Polygraph Examiners Fund, for the fiscal year ending September 30, 1982:

For the Board of Polygraph Examiners ..... 14,000

Section 4. All supplemental appropriations made in Sections 1, 2 and 3 of this act shall be in addition to any and all other funds heretofore or hereafter appropriated to: the Military Department, the Board of Polygraph Examiners, the Department of Finance, the office of the Secretary of State, the Department of Conservation and Natural Resources, the Department of Public Health and the Board of Pardons and Parole for the fiscal year ending September 30, 1982.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Pearson
Barron	Harrison	Little	Proctor
deGraffenried	Higginbotham	Martin	Robertson
Denton	Holmes	McDonald	St. John
Goodwin	Keener	Miller	Taylor
Gulledge	Kirkland	Mitchem	Weeks

—23

*Nays:*

—0

And said Bill, H. B. 49, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Pearson
Barron	Harrison	Little	Proctor
Callahan	Higginbotham	Martin	Robertson
deGraffenried	Holmes	McDonald	St. John
Denton	Keener	Miller	Taylor
Goodwin	Kirkland	Mitchem	Weeks

—23

*Nays:*

—0

The Bill:

H. 16. To amend Sections 2, 3, and 6 of Act No. 80-780, S. 569, 1980 Regular Session (Acts 1980, p. 1615), relating to the levying of court costs in Tuscaloosa County, so as to provide further for the use of such court costs and to delete the provision placing a ceiling on the amount which may be collected as well as the provision requiring the creation of an additional district judgeship.

was read a third time at length and passed.

SECOND EXTRAORDINARY SESSION  
6th Day

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Parsons	Taylor	
Barron	Hilliard	Pearson	Teague	
Cook	Holmes	Proctor	Vacca	
deGraffenried	Keener	Robertson	Weeks	
Figures	Little	St. John	White	
Goodwin	Martin			—25

*Nays:* —0

The Bill:

H. 30. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Proctor	
Callahan	Harrison	Martin	St. John	
deGraffenried	Higginbotham	McDonald	Smith	
Denton	Holmes	Miller	Taylor	
Goodwin	Keener	Mitchem	Weeks	
Gulledge	Lemaster	Parsons	White	
				—23

*Nays:* —0

The Bill:

H. 3. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John	
Callahan	Harrison	Martin	Smith	
deGraffenried	Higginbotham	Miller	Taylor	
Denton	Holmes	Mitchem	Weeks	
Goodwin	Keener	Pearson	White	
Gulledge	Lemaster	Proctor		—22

*Nays:* —0

The Bill:

S. 79. To create an interim committee to be known as the Alabama Housing Finance Authority Appropriations Interim Committee; to prescribe the composition and appointment of the membership; to prescribe the committee's powers and duties; to provide for the election of a chairman and vice chairman of the committee and its organization, meetings and conduct of business; to make a conditional appropriation from the general fund of the state treasury, for the fiscal year ending September 30, 1982, to the Alabama Housing Finance Authority for its operational purposes and to prescribe the conditions of release therefor; and to provide for legislative compensation, per diem and travel expenses.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Proctor	
Barron	Harrison	Little	St. John	
Callahan	Higginbotham	Martin	Taylor	
deGraffenried	Holmes	Miller	Weeks	
Goodwin	Keener	Mitchem	White	
Gulledge				—20

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 35. Relative to legislative meeting dates from Wednesday, October 7, 1981, through Tuesday, October 20, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

#### ADJOURNMENT

At 12:35 P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, October 20, 1981, at 10:30 A.M.



## SEVENTH LEGISLATIVE DAY

TUESDAY, OCTOBER 20, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend David Gilleran, Minister, Providence Presbyterian Church, LeGrand, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Parsons	Vacca
deGraffenried	Holmes	Pearson	Weeks
Denton	Keener	Proctor	White
Figures	Kirkland		

—33

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Glass and Mitchem for today.

COMMUNICATIONS FROM THE SUPREME COURT  
THE STATE OF ALABAMA JUDICIAL DEPARTMENT

## THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

## REPORT TO THE LEGISLATURE

TO: Senate Bill 39 (by Little and Higginbotham)  
Proposed to create one additional district  
judgeship for Lee CountyTO: State Senate  
% Hon. McDowell Lee, Secretary of the Senate  
House of Representatives  
% Hon. John Pemberton, Clerk

Under the provisions of Section 6.12(b) of Amendment 328 to the Constitution, the Supreme Court is required to report to the Legislature its recommendations whenever a bill is introduced to increase or decrease the number of circuit or district judges or change the boundaries of any judicial circuit or district.

The Supreme Court has obtained and considered information from the case reporting system of the Administrative Office of Courts. The statistics as set forth herein have established a need for one additional district judgeship for Lee County for the following reasons:

(1) Lee County District Court is ranked first in the state in the number of filings per judge with an average annual filings per judge figure in excess of 12,000 cases. It is clear that the number of filings per judge in the Lee County District Court, which is double the statewide average, represents a serious workload inequity.

(2) Your attention is called to the constitutional and statutory authority of the Chief Justice of the Supreme Court to assign trial judges, retired, and supernumerary judges, as well as retired appellate judges, to temporary duty in any court. See 6.10 of Amendment No. 328 to the Constitution and Section 12-2-36, Code of Alabama 1975. In recent months, this constitutional and statutory authority has been used on a weekly basis in order to help manage the high volume caseload of the Lee County District Court. In addition to the above-mentioned assistance, the Lee County District Court has also received periodic assistance from other circuit judges within the 37th Judicial Circuit.

Additional cost to the state would be incurred upon passage of this legislation. Based upon current cost levels, approximately \$57,400 will be required to fund the salary and expenses of this new judgeship beginning in January, including court-support personnel and other normal costs and operating expenses for the remainder of the first year. Each year thereafter, an additional \$62,140 will be required to fund this position. These estimated cost figures include official travel, office expenses and supplies, including initial office equipment and furniture, as well as the state's cost for judicial retirement, social security, employee retirement and hospitalization insurance coverage under the state insurance program.

Based upon the statistical data referred to above, it is the recommendation of the Supreme Court that the additional judgeship proposed by Senate

Bill 39 is justified and should receive the highest priority for increased district judge staffing in the state, so long as sufficient funds are available and appropriated to cover the additional expenses associated therewith. If enacted, this legislation will help alleviate a serious workload inequity which presently exists in the Lee County District Court.

All justices concur.

THE STATE OF ALABAMA

JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

REPORT TO THE LEGISLATURE

RE: Senate Bill 43 (by Pearson)

Proposes to create three additional circuit  
judgeships for the Tenth Judicial Circuit  
of Alabama.

TO: State Senate

% Hon. McDowell Lee, Secretary of the Senate

House of Representatives

% Hon. John Pemberton, Clerk

Under the provisions of Section 6.12(b) of Amendment 328 to the Constitution, the Supreme Court is required to report to the Legislature its recommendations whenever a bill is introduced to increase or decrease the number of circuit or district judges or change the boundaries of any judicial circuit or district.

The Supreme Court has obtained and considered information from the case reporting system of the Administrative Office of Courts for a period from fiscal year 1978 until the present. The statistics as set forth herein have established a need for three additional circuit judgeships in the Tenth Judicial Circuit, two of which are needed in the Birmingham Circuit Civil Division and one in the Domestic Relations Division, for the following reasons:

#### I. Birmingham Civil Division

(a) Population of the Tenth Judicial Circuit as well as the population density ranks first among all the judicial circuits within the state. Although the average population per judge ranks twenty-first among the other circuits, the Tenth Judicial Circuit ranks second in attorneys per judge.

(b) Although the average filings per judge in the Birmingham Civil Division is slightly less than the statewide average, the filings per judge in the Birmingham Civil Division are comprised of civil cases only, whereas the statewide average is composed of civil, criminal, domestic relations, equity, and juvenile cases. Judges in the Birmingham Civil Division handle approximately four times the average amount of civil cases that are handled by other circuit judges throughout the state. Statistics prove that civil cases, on the average, require more judicial man-hours per case than do other cases. In addition, it is generally acknowledged that civil cases filed in the 10th Judicial Circuit are on the average, more complex than civil cases filed in other circuits. This is due, in part, to the products liability cases stemming from the business and manufacturing activity in the Birmingham area which

constitutes 16% of the pending caseload. These cases, as well as many other civil cases in the 10th Judicial Circuit often require pre-trial conferences, determination of a high volume of motions, extensive discovery, large numbers of pleadings, and extensive use of expert witnesses and longer trials. These facts are the reasons for the significant increase in the average workload per case.

(c) Further adding to the workload of each judge in the Birmingham Civil Division is the fact that one of the judges in the Civil Division is the Presiding Circuit Judge for the Tenth Judicial Circuit. The Presiding Circuit Judge is, by statute, responsible for the administration and general supervision of some thirty circuit and district judges, as well as the clerk, register, court reporters, bailiffs, and other court employees of the Tenth Judicial Circuit. With this responsibility and a caseload which represents approximately 20% of all the case filings in the state, it is obvious that a substantial amount of time must be allotted to administrative duties which the Presiding Circuit Judge could otherwise allot to the performance of his judicial functions with respect to individual case dispositions.

(d) The average filings per judge in the Birmingham Civil Division for FY 1981 was 920 cases. From FY 1978 through FY 1981 civil case filings in the Birmingham Civil Division have increased by 1,025 filings or 23%. This increase exceeds the current average filings per judge workload for the civil division judges. During this same period dispositions have increased by approximately 30%, however this increase in dispositions was not sufficient to eliminate the continuing increase in the civil pending caseload which increased by 385 cases in FY 1981 and which now totals 7,973 cases.

## II. Domestic Relations Division

(a) Domestic Relations cases filed in the Birmingham Domestic Relations Division represent approximately 31% of all cases filed in Birmingham and 15% of all domestic relations cases filed in Alabama. Presently, only two judges serve exclusively in the Birmingham Domestic Relations Division. Filings per judge in this Division are more than three times as high as the average filings per judge across the state. Despite the fact that domestic relations cases can generally be adjudicated more rapidly than other type cases, this advantage is more than offset by the extremely high volume of cases. By reviewing the caseload statistics and the work patterns required from such a caseload, it is readily apparent that this two-judge division is operating under such constant pressure, that a very limited amount of time is available to devote to the individual needs of the parties in these cases.

(b) Recent legislation enacted to broaden and regulate the rights relatives in custody matters has increased the amount of time required for disposing of these type cases. These factors have expanded the time between filing and case setting from 60 days a year ago to approximately 120 days at present. This problem has necessitated assignment of judges from other circuits on almost a weekly basis in order to reduce this time frame.

Your attention is called to the constitutional and statutory authority of the Chief Justice of the Supreme Court to assign trial judges, retired and supernumerary judges, as well as retired appellate judges, to temporary duty in any court. See Section 6.10 of Amendment 328 to the Constitution, and Section 12-2-36, Code of Alabama 1975. This constitutional and statutory authority has been exercised extensively in the Tenth Judicial Circuit in order to relieve congestion and backlog in both the Civil and Domestic Relations Divisions.

Additional cost to the state would be incurred upon the passage of this legislation. Based upon current costs level, \$110,258 will be required to fund the salary and expenses of each new judgeship for the first fiscal year, including court-support personnel such as the court reporter, bailiff, and other normal costs and operating expenses. An additional \$99,320 will be required for each judgeship for each fiscal year thereafter based on current cost level. The first estimated cost figure includes official travel, office expenses and supplies, including initial office equipment and furniture, as well as the state's cost for judicial retirement, social security, employee retirement and hospitalization insurance coverage under the State insurance program for the first year.

Based upon the statistical data referred to above, it is the recommendation of the Supreme Court that the three additional circuit judgeships proposed in Senate Bill 43 are justified, and if established, will help prevent the sizeable pending caseload in the Birmingham Civil Division from being further increased. Additionally, one additional circuit judge in the Domestic Relations Division will help relieve the problems associated with the extreme workload which is placing an undue hardship on the Domestic Relations Division judges and will provide additional time to devote to the individual needs of the parties in each of these cases.

All Justices concur.

THE STATE OF ALABAMA

JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

REPORT TO THE LEGISLATURE

RE: Senate Bill 68 (by Harrison)

Proposes to create one additional circuit judgeship  
for the Fifteenth Judicial Circuit of Alabama.

TO: State Senate

% McDowell Lee, Secretary of the Senate

House of Representatives

% Hon. John Pemberton, Clerk

Under the provisions of Section 6.12(b) of Amendment 328 to the Constitution, the Supreme Court is required to report to the Legislature its recommendations whenever a bill is introduced to increase or decrease the number of circuit or district judges or change the boundaries of any judicial circuit or district.

The Supreme Court has obtained and considered information from the case reporting system of the Administrative Office of Courts. The statistics as set forth herein have established a need for one additional circuit judgeship to serve in the Family Court Division of the Fifteenth Judicial Circuit for the following reasons:

(1) Demographic statistics indicate that Montgomery County ranks among the top three in total population, population density, and total attorneys. Additionally, Montgomery County ranks first in the attorneys per judge category. The attorneys per judge ranking is indicative of the quantity and quality of the workload in this circuit.

(2) During FY 1981, case filings for the Fifteenth Judicial Circuit increased by approximately 1,500 or 16%. With over 12,000 filings in FY 1981, the six circuit judges have averaged approximately 2,000 filings per judge. This figure is nearly double the statewide average for filings per judge.

(3) The Family Court Division, which includes Domestic Relations and Juvenile cases, has a workload of over 8,000 cases. This represents an increase of approximately 1,500 cases or 25% over the previous year. As a result of this staggering workload, it has been necessary to assign one district judge on a fulltime basis to hear 50% of all Domestic Relations cases. Additionally, all nonsupport cases in the Family Court have been assigned to a judge from outside the circuit. A part-time referee also hears a limited number of juvenile cases.

(4) In 1981 the Montgomery County District Court had approximately 30,000 case filings. Because one of the three judges serving this court has been assigned to serve in the Family Court Division of the circuit court on a fulltime basis, the effective workload of the two remaining district judges amounted to approximately 15,000 filings per judge. This figure, when compared to the statewide average of filings per district judge of approximately 6,000, places Montgomery County first in this category. With a caseload which has grown by approximately 12,000 cases or 68% in the past three years, it is imperative that the three district judges in the Montgomery County District Court be available to serve that court on a fulltime basis.

Your attention is called to the constitutional and statutory authority of the Chief Justice of the Supreme Court to assign trial judges, retired and supernumerary judges, as well as retired appellate judges, to temporary duty in any court. See Section 6.10 of Amendment No. 328 to the Constitution, and Section 12-2-36, Code of Alabama 1975. This constitutional and statutory authority has been used in the Fifteenth Judicial Circuit in order to help manage the high volume caseload of both the circuit and district court in Montgomery County.

Additional cost to the state would be incurred upon passage of this legislation. Based upon current cost levels, \$86,850 will be required to fund the salary and expenses of this new judgeship, including court-support personnel such as a court reporter, bailiff, and other normal costs and operating expenses beginning in January of 1983. An additional \$99,320 will be required for the fiscal year beginning October 1, 1983. This estimated cost figure includes official travel, official expenses and supplies, including initial office equipment and furniture, as well as the state's cost for judicial retirement, social security, employee retirement and hospitalization insurance coverage under the state insurance program.

Based upon the statistical data referred to above, it is the recommendation of the Supreme Court that the additional circuit judgeship proposed by Senate Bill 68 is justified, and if enacted, will greatly assist in the management of the extreme caseload generated in the Family Court Division of the Fifteenth Judicial Circuit. Additionally, passage of this legislation will allow the district judge who has been assigned to the Family Court Division of the circuit court on a fulltime basis, to return to the district court where his assistance is needed in order to help manage the tremendous caseload of that court.

All justices concur.

The foregoing Communications from the Supreme Court were read and ordered spread upon the Journal.

RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 32. COMMENDING MR. EARL MANNING OF ROANOKE, ALABAMA'S VOLUNTEER OF THE YEAR IN INDUSTRIAL DEVELOPMENT FOR 1980.

Which was adopted.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Personnel Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 20th day of October, 1981.

To the State of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Frank McCorkle (replacing Mrs. Halycon Ballard)  
3011 Jasmine Road  
Montgomery, Alabama 36111  
Term expiring March 2, 1983

as a member of the State Personnel Board.

Respectfully submitted,

FOR JAMES,  
Governor.

Done this 20th day of October, 1981.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Bishop William M. Smith, Dr. LaRue W. Harding, and Mrs. William A. Parker to the Alabama State University Board of Trustees.

On motion of Mr. McDonald, the appointment of Bishop Smith was confirmed by the Senate.

Yeas 23; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Harrison	Little	Robertson	
Barron	Higginbotham	Martin	St. John	
Callahan	Hilliard	McDonald	Taylor	
Cook	Holmes	Miller	Teague	
Goodwin	Kirkland	Pearson	Vacca	
Hall	Lemaster	Proctor	White	
				—23

*Nays:* —0

*Abstaining:* Mr. deGraffenried. —1

On motion of Mr. McDonald, the appointment of Dr. Harding was confirmed by the Senate.

Yeas 18; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Miller	
Barron	Hall	Lemaster	Pearson	
Callahan	Higginbotham	Little	Robertson	
Cook	Holmes	Martin	White	
Denton	Keener	McDonald		
				—18

*Nays:* —0

*Abstaining:* Mr. deGraffenried. —1

On motion of Mr. Higginbotham, the appointment of Mrs. Parker was confirmed by the Senate.

Yeas 19; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Hilliard	Little	Robertson	
Barron	Holmes	Martin	St. John	
Goodwin	Keener	McDonald	Taylor	
Hall	Kirkland	Miller	Vacca	
Higginbotham	Lemaster	Pearson	White	
				—19

*Nays:* —0

*Abstaining:* Mr. deGraffenried. —1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:



S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTION

Mr. Gullledge offered the following Senate Resolution, to-wit:

S. R. 33. MOURNING THE DEATH OF MR. WILLIAM J. NELSON OF FAIRHOPE, ALABAMA.

Which was adopted.

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ed Sherling to the State Ethics Commissions.

On motion of Mr. Miller, the appointment of Mr. Sherling was confirmed by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gullledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Callahan	Harrison	McDonald	Teague
deGraffenried	Higginbotham	Miller	Weeks
Denton	Holmes	Proctor	White
Goodwin	Keener	St. John	—22

*Nays:* —0

RESOLUTION

Mr. Callahan offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that when we adjourn today the legislature will adjourn to meet on Wednesday, October 21, and when the legislature adjourns on October 21, we adjourn to meet again on October 22.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 3. To amend Act No. 81-843, H. 593, Regular Session 1981, (Acts 1981, p. 171), which act authorizes the State Industrial Development Authority to sell and issue bonds not exceeding \$3,000,000 in principal amount for purposes of making certain local surveys, land gradings and industrial

site drainings incidental to certain industrial development, so as to exempt the State Industrial Development Authority from the usury laws of the State of Alabama, and to provide that all bonds and income therefrom shall be exempt from all state taxation.

Also:

H. 16. To amend Sections 2, 3, and 6 of Act No. 80-780, S. 569, 1980 Regular Session (Acts 1980, p. 1615), relating to the levying of court costs in Tuscaloosa County, so as to provide further for the use of such court costs and to delete the provision placing a ceiling on the amount which may be collected as well as the provision requiring the creation of an additional district judgeship.

Also:

H. 30. To amend Section 16-13-211 of the CODE OF ALABAMA 1975 so as to provide that notes issued by a board of education in anticipation of the issuance of warrants may bear such rate or rates of interest as the board of education issuing such notes may provide in the proceedings wherein the notes are authorized to be issued.

Also:

H. 59. Relating to the twelfth judicial circuit; granting certain law enforcement authority to investigators of the district attorney's office and allowing court bailiffs and employees of the district attorney's office to attend grand jury sessions except when said jury is deliberating.

Also:

H. 61. Relating to the fourteenth judicial circuit; regulating certain salary increases for certain personnel in the district attorney's office.

Also:

H. 63. To amend Section 2 of Act No. 464, H. 1238 of the 1977 Regular Session of the Legislature (Acts 1977, p. 603) relating to the salary of the investigator for the district attorney's office in the fourteenth judicial circuit so as to provide further for such salary.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Forrest W. Brice to the rank of Brigadier General in the Alabama Army National Guard.

On motion of Mr. McDonald, the appointment of Colonel Brice was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John
Bailey	Harrison	Martin	Smith
Barron	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	Robertson	White
Goodwin	Lemaster		

—25

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Darden J. Bourne to the rank of Brigadier General in the Alabama Army National Guard.

On motion of Mr. Keener, the appointment of Colonel Bourne was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Martin	Smith
deGraffenried	Holmes	McDonald	Taylor
Denton	Keener	Miller	Teague
Goodwin	Kirkland	Pearson	Vacca
Hall	Little	St. John	White
Harrison			

—20

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 34. SETTING THE MEETING DAYS OF THE LEGISLATURE.

On motion of Mr. Callahan, said Resolution was then adopted by the Senate.

Yeas 22; Nays 8.

*Yeas:*

Messrs.:	Gulledge	Martin	Taylor
Bailey	Harrison	McDonald	Teague
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Robertson	Weeks
deGraffenried	Keener	St. John	White
Goodwin	Kirkland	Smith	

—22

*Nays:*Messrs.:  
Barron  
DentonFigures  
HallLemaster  
LittleParsons  
Proctor

—8

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 62. Relating to Walker County; providing further for the compensation of the clerk of the jury commission.

JOHN W. PEMBERTON,  
Clerk.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 35. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the Second Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 74	22	Qualifications for candidates for nomination
H. B. 45	18	Dentists
S. B. 27	14	Relates Real Estate
S. B. 26	3	Liq. Petroleum Gas

H. B. 2	20	Secretary of State filing of corp. annual reports, eliminated
H. B. 10	21	Alabama Aviation Hall of Fame Bd.
H. B. 73	22	Elections
H. B. 37	21	Illegal possession of food stamps offense and punishment
H. B. 6	17	Relates to 17th Judicial Circuit

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 17. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. BOOKER T. WASHINGTON ON THE CAPITOL GROUNDS.

Mr. Little offered the following amendment to the Resolution, H. J. R. 17, to-wit:

#### AMENDMENT TO H. J. R. 17

Amend H. J. R. 17 by inserting a new paragraph reading as follows: following line 33 on page 1.

Be it further resolved, that the Alabama Historical Commission make appropriate effort to secure the services of an in-state artist to develop and create this bust or statue, the subject of this resolution.

and for the remainder of H. J. R. 17 to read as introduced.

Which was adopted.

And on motion of Mr. Little, said Resolution, H. J. R. 17, as thus amended, was concurred in and adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 9. Relating to Escambia County; to provide an optional and alternative method of assessing and paying taxes on and issuing license tags or decals for motor vehicles in such county.

Also:

S. 51. To alter, re-arrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Also:

S. 56. Relating to Escambia County; to amend Act No. 81-841, H. 1056, 1981 Regular Session, relating to the county jury commission, so as to provide further for the board of appointment, and the compensation of the clerk and members of said commission.

Also:

S. 59. Relative to Talladega County; to amend further Act No. 81-125, S. 101, 1981 Regular Session (Acts 1981), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of Juvenile Justice and Law Enforcement by increasing the costs and charges of Court.

Also:

S. 58. Relating to the cities of Sylacauga, Talladega, Childersburg and Lincoln in Talladega County, Alabama; authorizing said cities at the sole discretion of their respective city councils to appropriate funds each fiscal year to pay for costs of the Talladega County District Court, Juvenile Division.

Also:

S. 65. Relating to Marshall County; to provide for an additional expense allowance for the members of the board of equalization of said county and to repeal Act No. 81-511, S. 589, 1981 Regular Session (Acts 1981, p. 674).

Also:

S. 71. Relating to Marshall County; to provide for an additional expense allowance for the members of the jury commission of said county and to repeal Act No. 81-512, S. 590, 1981 Regular Session (Acts 1981, p. 874).

Also:

S. J. R. 21. STRONGLY URGING THE HIGHWAY DEPARTMENT TO PLACE WARNING GATES AND OVERHEAD WARNING SIGNALS AT THE JORDAN LANE RAILROAD CROSSING IN HUNTSVILLE, ALABAMA, AND REQUESTING A DETAILED EXPLANATION TO THE LEGISLATURE IF SUCH ACTIONS ARE NOT TAKEN.

Also:

S. J. R. 28. HONORING JUDGE FRANK B. EMBRY, DISTINGUISHED ALABAMA JURIST.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RECESS

At 12:45 P.M., on motion of Mr. St. John, the Senate took a recess until 2:15 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 62. Relating to Walker County; providing further for the compensation of the clerk of the jury commission.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 49. Relating to appropriations for the ordinary expenses of certain of the executive, legislative and judicial departments of the state, for other functions of government, for interest on public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, made by Act No. 81-859, H. 630 of the 1981 Regular Session, so as to further provide for supplemental appropriations to certain of the agencies therein and to make additional supplemental appropriations from the general fund of the state treasury for such fiscal year and from the Polygraph Examiners Fund; making supplemental appropriations to the Military Department for purposes of social security; to the Board of Polygraph Examiners for purposes of the Polygraph Examiners Fund, to the Department of Finance and to the office of the Secretary of State to implement the provisions of the Alabama Business Corporation Act, to the Department of Conservation and Natural Resources for purposes of Outdoor Recreation Sites and Services, to the Department of Public Health for purposes of Environmental Health Improvement-Hazardous Waste Control, to Blakely Park for its operations and functions, and to the Board of Pardons and Paroles for operations and functions of the Board, for supplemental appropriations of \$4,631,383 from the general fund and \$14,000 from the Polygraph Examiners Fund, which appropriations shall be in addition to any and all other funds heretofore and hereinafter appropriated.

JOHN W. PEMBERTON,  
Clerk.

## RESOLUTIONS

Messrs. Gulledge, Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 36. COMMENDING MR. L. W. BRANNAN, JR., OF FOLEY, ALABAMA, DISTINGUISHED PUBLIC SERVANT AND PROMINENT CIVIC LEADER.

WHEREAS, Mr. L. W. Brannan, Jr., of Foley, Alabama, is a former member of the Alabama Legislature having served four successive terms, beginning in 1948 in the House of Representatives, one term in the Alabama Senate, and then a fifth term in the House from 1966 to 1970; and

WHEREAS, during his prestigious tenure in the Legislature, Mr. Brannan was instrumental in the passage of legislation which resulted in the development of an outstanding network of rural roads in Baldwin County as well as the four-lane highway between Spanish Fort and Fairhope; and

WHEREAS, he further worked closely with the Department of Conservation to obtain funds for the municipal pier in Fairhope, passed legislation which created the Gulf State Park fishing pier, secured the bridge across Fish River which has since been named in his honor, and was responsible for obtaining the grant to build a museum at Fort Morgan; and

WHEREAS, also to Mr. Brannan's credit is the high level bridge over the Inter-Coastal Canal as well as the complete and separate circuit court structure for Baldwin County and the establishment of Faulkner State Junior College in Baldwin County, one of our State's network of junior colleges and trade schools authorized by legislation supported by Mr. Brannan; and

WHEREAS, L. W. Brannan is a former five-term Foley City Councilman who served one term as Mayor during which time he assumed the responsibility for the planning and construction of the Foley Civic Center; and

WHEREAS, through the years, his responsible civic involvement has included service on the Fort Morgan Historical Committee, Gulf Shores Marine and Fisheries Committee, two six-year terms on the Foley Utilities Board, six years on the Alabama Dairy Commission and 20 years on the State Democratic Executive Committee, serving as vice president of the Alabama Delegation to the National Convention in Atlantic City, and elected five times as a delegate to Democratic Presidential Conventions; and

WHEREAS, Mr. Brannan is a member of the Boy Scout Council of Baldwin, Mobile and Escambia Counties, a Mason and a Shriner for over 50 years, a Rotarian for 27 years who has been named a Paul Harris Fellow, Rotary's highest Award, and he also is a 35-year member of the Optimist Club; and

WHEREAS, Mr. Brannan, also has been honored by the University of South Alabama with that institution's first Distinguished Service Award for his service for 17 years, on the Board of Trustees of the University he helped create during his years in the Legislature; and

WHEREAS, Mr. Brannan has recently been named Free Enterprise Man of the Year, a coveted award which truly reflects his talents and ability



in business and financial affairs; he is the owner of Brannan Sporting Goods in Mobile, president of Coastal Concrete Company, Chairman of the Board of the Baldwin County Savings and Loan Association, and is a member of the Board of Directors of South Baldwin Bank; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That we most highly praise and commend Mr. L. W. Brannan, Jr., of Foley, Alabama, as one of our State's most outstanding citizens; we also congratulate him on his numerous awards and honors and direct that he receive a copy of this resolution, in token of our regard and in appreciation of his many contributions and accomplishments of note.

On motion of Mr. Gulledge, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 37. EXTENDING BEST WISHES FOR A SPEEDY RECOVERY FOR VERNON MERRITT.

Which was adopted.

Messrs. Barron, Kirkland, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. COMMENDING AND CONGRATULATING MR. RAY SCOTT, AND THE BASS ANGLERS SPORTSMAN SOCIETY, ON THE OUTSTANDING SUCCESS OF THE ANNUAL BASS MASTERS CLASSIC.

WHEREAS, the recent BASS Masters Classic, number eleven in an annual series, was a tremendous success with 42 of the world's finest professional bass fishermen participating in the three-day competition at Lake Montgomery in Montgomery, Alabama; and

WHEREAS, Mr. Ray Scott, who started the tournament in his own home town, is founder and president of the Bass Anglers Sportsman Society, an association which has mushroomed into an organization of some 325,000 members, the largest of its kind in the entire United States; and

WHEREAS, Mr. Scott and his BASS staff are indeed deserving of utmost praise for their ingenuity and enviable ability in staging the now-famous and prestigious BASS Masters Classic, an event which annually grows larger paralleling the national recognition accorded Mr. Scott and BASS; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and congratulate Mr. Ray Scott of Montgomery, Alabama, and his nationally prominent Bass Angler Sportsman Society, foremost in size and prestige in the entire United States.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Scott, on behalf of the BASS organization, that he may know of our warm sincere praise and of our deep appreciation for the fame and honor he has brought to Montgomery and to the entire State of Alabama.

On motion of Mr. Barron, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 39. URGING THE CONGRESS TO RECONSIDER AND SUPPORT THE FEDERALLY FUNDED PEANUT PRICE SUPPORT AND ALLOTMENT PROGRAM.

Which was adopted.

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White then offered the following Senate Resolution, to-wit:

S. R. 40. COMMENDING MR. JILES WILLIAMS, JR., OF MONTGOMERY, ALABAMA.

Which was adopted.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Margaret Cameron McDonald to the Air Pollution Control Commission.

On motion of Mr. McDonald, the appointment of Dr. McDonald was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Lemaster	St. John
Barron	Harrison	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Cook	Holmes	McDonald	Vacca
Denton	Keener	Pearson	Weeks
Goodwin	Kirkland		

—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Williams, Daniels, Grimsley and Carothers:

H. J. R. 53. DIRECTING THE STATE HIGHWAY DEPARTMENT TO INCLUDE CITY MAP INSETS OF THE SEVEN LARGEST CITIES IN ALABAMA, ACCORDING TO THE 1980 FEDERAL DECENNIAL CENSUS, ON THE 1982-90 OFFICIAL ALABAMA HIGHWAY MAPS.

WHEREAS, for many years the official state highway maps of Alabama have included the names and city map insets of seven metropolitan areas of this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCRRING, That henceforth the State Highway Department is hereby directed to include the city map insets of the seven largest cities in Alabama, according to the 1980 federal decennial census, on the 1982-90 official state highway maps.

RESOLVED FURTHER, That the Clerk of the House of Representatives shall send a copy of this resolution to the Governor and the Director of the State Highway Department.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

Mr. Martin offered the following amendment to the Resolution, H. J. R. 53, set out in the foregoing Message from the House, to-wit:

AMENDMENT TO H. J. R. 53

Amend H. J. R. 53 Page 1 Line 9, by striking out after the word "the" strike the word "seven" and insert in lieu thereof the word "ten". Also line 21, after the word "the" strike the word "seven" and insert in lieu thereof the word "ten".

Which was adopted.

And on motion of Mr. Martin, said Resolution, H. J. R. 53, as thus amended, was then concurred in and adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 6. To provide further for the 17th Judicial Circuit; to provide for an expense allowance for the district court judges of the 17th Judicial Circuit to be paid by the counties comprising the circuit; to repeal conflicting laws; to specifically repeal Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), both as last amended, establishing the Sumter County Court of Record, so as to abolish such court.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 6, to-wit:

# COMMITTEE SUBSTITUTE FOR H. B. 6

## A BILL TO BE ENTITLED AN ACT

To provide further for the 17th Judicial Circuit; to provide for an expense allowance for the district court judges of the 17th Judicial Circuit to be paid by the counties comprising the circuit; to repeal conflicting laws; to specifically repeal Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), both as last amended, establishing the Sumter County Court of Record, so as to abolish such court.

Be It Enacted by the Legislature of Alabama:

Section 1. Each district court judge of the 17th Judicial Circuit shall receive an expense allowance of two hundred fifty dollars (\$250) per month. Said expense allowance shall be in lieu of any other expense allowance for such judges for which the counties comprising the 17th Judicial Circuit shall be liable.

Section 2. The county governing body of each of the counties comprising the 17th Judicial Circuit shall pay an equal amount out of the respective county general fund for the payment of said expense allowance.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862) and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), as last amended, are hereby specifically repealed and all laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Smith
Bailey	Hilliard	Parsons	Taylor
Barron	Holmes	Pearson	Teague
Cook	Keener	Proctor	Vacca
Denton	Little	Robertson	Weeks
Figures	Martin	St. John	White
Goodwin	McDonald		

—25

*Nays:*

—0

And said Bill, H. B. 6, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs:	Hall	Miller	Smith
Bailey	Hilliard	Parsons	Taylor
Barron	Holmes	Pearson	Teague
Cook	Keener	Proctor	Vacca
Denton	Little	Robertson	Weeks
Figures	Martin	St. John	White
Goodwin	McDonald		

—25

*Nays:* —0

The Bill:

H. 75. Relating to Elmore County; to amend section 5 of Act No. 983, H. 1019, Regular Session 1971, (Acts 1971, p. 1755) relating to the taxation of certain alcoholic beverages in said county, so as to provide further for such tax, and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Gulledge	Martin	St. John
Barron	Harrison	McDonald	Taylor
Britnell	Hilliard	Miller	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland		

—25

*Nays:* —0

The Bill:

H. 12. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	Figures	Hilliard
Bailey	Cook	Goodwin	Keener
Barron	Denton	Hall	Kirkland

Lemaster	Miller	Smith	Vacca	
Little	Parsons	Taylor	Weeks	
Martin	Pearson	Teague	White	
McDonald	Proctor			—25
<i>Nays:</i>				—0

The Bill:

H. 9. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

was read a third time at length and passed.

Yeas 25; Nays 0.

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Hilliard	Miller	Teague	
Britnell	Keener	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—25
<i>Nays:</i>				—0

The Bill:

H. 11. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

was read a third time at length and passed.

Yeas 25; Nays 0.

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Hilliard	Miller	Teague	
Britnell	Keener	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—25
<i>Nays:</i>				—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Biddle and Cheatwood:

H. J. R. 57. URGING THE U.S. CORPS OF ENGINEERS TO REMOVE ITS BOATING AND FISHING RESTRICTIONS IN THE TAILWATER AREAS BELOW U.S. CORPS OF ENGINEERS DAMS.

WHEREAS, the tailwater areas below dams constructed by the Tennessee Valley Authority, Alabama Power Company, U.S. Corps of Engineers, and other agencies in Alabama offer some of the best and most productive fishing to be found and;

WHEREAS, the tailwater areas below the Tennessee Valley Authority dams and Alabama Power Company dams have been made available to the state's fishing public as a result of the cooperative spirit of these agencies and;

WHEREAS, factual statistics reveal that these waters are not unnecessarily hazardous to the fishing public when boaters comply with Alabama water safety laws by wearing approved vest type life preservers and;

WHEREAS, the U.S. Corps of Engineers has exhibited an unacceptable attitude by unnecessarily restricting tailwater areas below dams to the state's fishing public; now therefore

BE IT RESOLVED BY THE JOINT HOUSES OF THE ALABAMA LEGISLATURE DURING THIS SPECIAL SESSION OF 1981, That the Legislature support the desires of thousands of Alabama fishermen and the Alabama Department of Conservation and Natural Resources by urging the U.S. Corps of Engineers to recognize the state's role in regulating fishing and boating activities on Alabama's public waters and further request that the Corps remove its boating and fishing restrictions in the tailwater areas below U.S. Corps of Engineers dams.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 57, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Langford, McKee, Dixon, Grouby and Wyatt:

H. J. R. 56. WELCOMING DR. ROBERT H. RANDOLPH AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

JOHN PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 56, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 58. TO AMEND FURTHER ACT NO. 80-771, S. J. R. 239, CREATING A JOINT LEGISLATIVE COMMITTEE ON APPOINTMENT ACCORDING TO THE 1980 UNITED STATES CENSUS, SO AS TO PROVIDE FURTHER FOR THE POWERS AND DUTIES OF SAID COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 80-771, S. J. R. 239, 1980 Regular Session, as amended, is hereby amended further to read as follows, viz:

"WHEREAS, the United States Government will all too soon complete the 1980 Census; and

"WHEREAS, as a result of this 1980 Census, there is no longer any necessity for Act No. 340, H. J. R. 88, 3rd Special Session 1971 (Acts 1971, p. 4652), which 10 years ago created a joint interim committee for the purpose of this resolution. Therefore, said Act No. 340 is hereby specifically repealed; and

"WHEREAS, as a result of this 1980 Census, there may exist a reapportionment problem in Alabama; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee on reapportionment to consist of eighteen members as follows: one member of the House of Representatives from each Congressional District, the chairman or vice-chairman of the House Judiciary Committee and one member of the House of Representatives at large to be appointed by the Speaker of the House and one member of the Senate from each Congressional District, the chairman or vice-chairman of the Senate Judiciary Committee and one member of the Senate at large, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committee meetings. This committee will have no authority after the 1982 Regular Session of the legislature.

"BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and the authority to employ consultants, technicians, attorneys and any other experts needed to prepare maps and make professional appearances to support any plan of reapportionment adopted by the legislature. Such employees of the committee shall be paid out of any funds appropriated for the use of the legislature."

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 58, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Reddick, Gregg, Smith (M), Albright, Hall and Coburn:

H. J. R. 51. EXPRESSING OPPOSITION TO THE "BONUS" PAY PLAN RECENTLY APPROVED BY THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS.

WHEREAS, the Tennessee Valley Authority Board of Directors has approved a pay plan that will provide annual bonuses of up to \$36,000 for approximately 75 managers at TVA; and

WHEREAS, these bonuses will result in compensation to these managers which circumvents the provisions of the TVA Act that the pay of a TVA employee shall not exceed that of a member of the TVA Board of Directors; and

WHEREAS, the cost of TVA-generated electricity has risen at an alarming rate, with a 41% rate increase since April 1980, under the management of the very people who are to receive these bonuses; and

WHEREAS, the citizens of North Alabama are outraged at yet another increase in the cost of TVA-generated electricity which will have to be borne by the already overburdened rate payers of the Tennessee Valley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby express our strongest possible opposition to the aforementioned bonus pay plan for TVA managers.

BE IT FURTHER RESOLVED, That copies of this resolution be provided to the members of the United States Congress from the State of Alabama and to the members of the Board of Directors of the Tennessee Valley Authority.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harrison:

H. J. R. 59. COMMENDING CHARLES R. (ROD) CLARK FOR HIS MERITORIOUS SERVICES TO THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 59, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harrison:

H. J. R. 60. COMMENDING THE CENTER FOR URBAN AFFAIRS, UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND ITS DIRECTOR, ODESSA WOOLFOLK, FOR THEIR OUTSTANDING, CONSISTENT SERVICES AND CONTRIBUTIONS TO THE BIRMINGHAM COMMUNITY, THE STATE OF ALABAMA, AND DEPARTMENTS OF THE GOVERNMENT.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 60, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Buskey, Clark (W), Cobb, Reed, Escott and Zoghby:

H. J. R. 55. COMMENDING DR. YVONNE KENNEDY AS PRESIDENT OF S. D. BISHOP JUNIOR COLLEGE.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Hilliard, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 74. To amend Code of Alabama 1975, Section 17-16-15, which section relates to Assessments and other qualifications for candidates for nomination, so as to have assessments not to exceed two percent of one year's salary as presently stipulated but without the present \$600 maximum.

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And said Bill, H. B. 74, was read a third time at length and passed.

Yeas 15; Nays 5.

Yeas:

Messrs.:	Hall	Little	Proctor
Barron	Higginbotham	Martin	Smith
Denton	Holmes	Miller	Weeks
Goodwin	Lemaster	Parsons	White

—15

Nays: Messrs.: Keener, Kirkland, Robertson, St. John and Taylor. —5

The Bill:

H. 45. To amend Section 6-5-333, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Hall	Martin	Smith
Barron	Harrison	Miller	Taylor
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Goodwin	Kirkland	St. John	White
Gulledge	Little		

—21

Nays: —0

The Bill:

S. 27. To regulate further the real estate business in Alabama and to amend certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state and to increase certain fees and charges in relation to transfer of a license and examinations.

On motion of Mr. Teague, further consideration of the Bill, S. B. 27, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 8. Relating to the City of Gadsden; amending Section 1 of Act No. 63, H. 1, 1978 Second Special Session (Acts 1978, p. 1750), so as to provide further for the salaries of members of the board of commissioners.

Also:

S. 10. To amend section 22-6-7, Code of Alabama 1975, so as to provide further for the letting of certain contracts by the Medicaid Agency of the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith to you a message from the Governor, returning Senate Bill No. 1, without the Governor's signature and with a suggested Executive Amendment.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 20th day of October, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill No. 1, without my approval and with the following suggested Executive Amendment:

Amend Section 1 of Senate Bill No. 1 as follows:

On page 5, House District 5, delete lines 27 and 28 in their entirety.

And on page 5, line 33, delete the language "except Enumeration" and delete line 34 in its entirety.

On page 6, House District 7, on line 21, add the words and figures, Enumeration District 270.

On page 7, House District 9, on line 36, insert the following language:  
Tract 0054.01

On page 8, House District 10, on line 16, following the words Hanceville Division, add the following:

Except Enumeration District 140 and Enumeration District 137.

Also, on page 8, line 17, insert the words "Jones Chapel Division, Enumeration District 114".

Also, on page 8, line 23, following the words Jones Chapel, insert the following:

Except Enumeration District 114.

Also, insert between lines 25 and 26, the following:

Hanceville Division, Enumeration District 140 and Enumeration District 137.

On page 9, House District 12, strike line 27 and insert in lieu thereof the following:

In remainder of Jasper Division.

On page 10, House District 13, on line 8, change the figure 49 to "41".

On page 15, House District 18, line 22, strike the entire line and on line 25 insert the language,

Huntsville City Part

Tract 0113p

On page 16, House District 19, after line 11, delete the following language:

Block Group 3, 4, 5

On page 19, House District 22, line 23, following the figure 9902, insert the following:

Except Blocks 203 and 218

On page 19, House District 22, line 25, change the number 198 to 196.

Also, on page 20, House District 23, insert between lines 11 and 12, the following:

Blocks 203 and 218 only of BNA 9902 in the Scottsboro Division

Also, on page 20, House District 23, line 17, delete the number 196 and insert in lieu thereof, the number 198, on line 18 insert the following language:

Enumeration District 195 of the Scottsboro Division

On page 24, House District 31, line 33, strike the entire line.

On page 34, House District 41, between lines 30 and 31 insert the following language:

Enumeration District 913 and 911

On page 34, House District 41, on line 32, strike all of line 32.

On page 34, House District 41, on line 34, after the language 0215 insert the following language:

Except Enumeration District 906A

On page 36, House District 43, line 11, following the numerals 0009, insert the words and figures, except Block Group 7.

Also, on page 38, District 45, line 29, insert the following:

Tract 0009: Block Group 7.

On page 41, House District 49, line 11, strike the words, except Enumeration District 9.

On page 42, House District 50, line 25, following the numerals 316 and before the word "and", insert the numeral 317.

On page 52, House District 63, on line 22, strike the word "of".

On page 55, House District 65, on line 7, following the word "city" ad the word "division".

On page 57, District 69, line 27, change the figure 669 to 667.

On page 58, District 70, on line 11, insert following the numeral numbers 327 the A.

On page 59, House District 71, line 16, after the language 0408 insert the following language: except Taylor town

On page 61, House District 73, after line 17, insert the following language as line 18: Tract 0408 Taylor town only

On page 64, House District 77, after line 12, insert the following language:

407, 408, 410, 413, 508, 509, 510, 511, 512

Also on page 64, House District 77, on line 13, delete the following language:

3, 4, 5

and delete line 14 in its entirety.

On page 64, House District 77, line 15, delete the language:

2, 3, 4

and insert in lieu thereof the following language:

Blocks 201, 202, 204, 205, 206, 207, 301, 302, 303, 304, 305, 306, 403, 407, 408

Also on page 64, House District 77, after line 16, insert the following language:

Block Group 1, 2, 3, 4, 6, 7, 8; Blocks 501, 502, 504, 509, 515

Also on page 64, House District 77, delete lines 17 through 20, including all language on unnumbered lines following line 19, and insert in lieu thereof the following language:

Tract 0015, Block Group 5, 7; Blocks 312, 313, 314, 315, 317, 318, 319, 320, 321, 401, 402, 403, 404, 405, 406, 409, 419, 450, 451

On page 64, House District 77, after line 31, delete the remainder of the language on the page and insert in lieu thereof the following language:

Tract 0053.01

On page 66, House District 79, on line 9, after the language, "Tract 0004," insert the following language:

Block Group 3

On page 66, House District 79, after line 11, insert the following language:

411, 412, 414, 501, 502, 503, 504, 505, 506, 507

On page 66, House District 79, after line 15, delete the following language:

except for Block Group 2, 3, 4

and also delete line 21 in its entirety.

On page 68, House District 81, after line 8, insert the following language:

Tract 0007; Blocks 203, 307, 308, 401, 402, 404, 405, 406; Tract 0012; Blocks 505, 507, 508, 516

On page 68, House District 81, after line 13, insert the following language:

401, 406, 407, 408, 409, 410, 411

Also on page 68, House District 81, delete lines 15 through 20 and insert in lieu thereof the following language:

Block Groups 1, 2; Blocks 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 410, 416, 417

On page 68, House District 81, after line 30, delete the following language:

All except Blocks 103, 104, 105, 106, 107, 415, 416, 417, 418, 501, 502, 503, 504, 505, 506, 507

and also on that page delete lines 33 and 34 in their entirety.

On page 72, District 85, on line 8 and line 9, strike the words and figures "minus BNA-9901, Block G-1" and on line 12, strike the figure 56 and insert in lieu thereof the figure 52.

Also, on page 73, District 86, strike lines 26 and 27 and in lieu thereof insert the following:

Enumeration District 60

On page 74, House District 88, on line 30, add the following:

Sumter County; Gainesville Division; Panola-Giger Division

Also, on line 17, strike the words "all of" and insert following the word "county", the following words and figures:

Except Boligee Division and Enumeration; District 188 of the Forkland-Tishabee Division.

Also, on page 76, House District 90, line 7, strike the words "all of" and insert following the word "county", the following:

Except Gainesville Division and Panola-Giger Division; Also, on line 14, insert the following: Greene County; Boligee Division; Forkland-Tishabee Division, ED 188 only

On page 77, District 94, strike all of line 33, 34, and 35, and insert in lieu thereof:

All of the Daphne Division except Blocks 101 thru 154; 156 thru 159; 197, 198, 199, 209 thru 223, in the remainder of Daphne Division.

Also, on page 78, House District 95, strike lines 8, 21, and 22 entirely and insert in lieu of lines 21 and 22 the words and figures as follows:

Blocks 101 thru 154, 156 thru 159, 197, 198, 199, 209 thru 223, in the remainder of Daphne Division.

On page 79, House District 96, delete lines 15 and 16 in their entirety.

Also, on page 79, House District 96, line 25, delete the language "801" and also delete lines 26 through 30 and lines 36 through 39 in their entirety.

On page 80, House District 96, delete lines 5 through 8 in their entirety.

On page 80, House District 96, after line 12, add the following language:

Block 504.

Also, on page 80, House District 96, after line 13, add the following language:

Blocks 901, 905, 906

On page 81, House District 97, after line 6, add the following language:

Mobile City: Tract 0038.02p; Tract 0052p.

And, on page 81, House District 97, after line 9, add the following language:

Tract 0052p; Tract 0053p

Also, on page 81, House District 97, lines 12 and 13, delete the following language:

, except Blocks 936-946, and 988p and Enumeration District 540

On page 81, House District 97, after line 26, add the following language:

Tract 0038.02p

On page 82, House District 97, delete lines 9 through 12 in their entirety.

Also, on page 82, House District 97, delete lines 15 through 18 and insert in lieu thereof the following language:

Blocks 801, 802, 803, 804, 805, 806, 807, 808, 809, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 904, 906, 912, 913p, 924, 970, 972, 976, 978p, 979p, 980, 981, 982, 983

On page 83, House District 98, on line 8 after the language "115," insert the following language:

602,

On page 83, House District 98, delete line 10 in its entirety and after line 11, insert the following language:

Tract 0034.01p (Block 122)

Also, on page 83, House District 98, after line 30, insert the following language:

Blocks 101p, 124p, 125p

On page 84, House District 98, line 12, delete the language "(Partial):" and on page 84, delete lines 13 through 16 in their entirety.

Also, on page 84, House District 98, after line 19, add the following language:

901p, 905, 918, 919p, 958, 964p, 830, 831, 832, 833, 834

On page 85, House District 99, after line 12, insert the following language:

Remainder of Mobile Division; Tract 0043p; Tract 0012.01p

Also, on page 85, House District 99, on line 20 after the language "115," insert the following language:

601,

And on page 85, House District 99, after line 28, insert the following language:



Block Group 2p (Block 204p)

On page 86, House District 100, delete lines 27 through 31 and line 34 in their entirety and on line 35 delete the language "-504" and insert after line 35, the following language:

502, 503; Blocks 907, 908, 911, 914, 930

On page 87, House District 101, delete line 33 in its entirety and insert in lieu thereof the following language:

Tract 0034.01p; Block 127p; Tract 0034.02p; Block 127p

On page 88, House District 102, line 12, delete the language "102" and insert in lieu thereof the language 101

On page 89, House District 103, delete lines 32 through 37 in their entirety.

And on page 90, House District 103, delete lines 6 through 12 in their entirety.

The adoption of the above suggested amendment will remove my objections to the bill.

Respectfully,  
FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

Mr. Teague moved that the Senate non-concur in the amendment proposed by His Excellency, the Governor, to the Bill:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

which said amendment is set out in the foregoing Message from the Governor.

Mr. Proctor offered a substitute motion that the Senate concur in said amendment, which motion was adopted, and the Senate concurred in the amendment proposed by His Excellency, the Governor, by a vote of

Yeas 25; Nays 5.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Taylor
Barron	Hall	McDonald	Teague
Britnell	Higginbotham	Miller	Vacca
Cook	Holmes	Proctor	Weeks
deGraffenried	Keener	Robertson	White
Denton	Kirkland		

—25

*Nays:* Messrs. Figures, Harrison, Hilliard, Pearson and St. John.

—5

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 1, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 25; Nays 5.

Abstaining 1.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Higginbotham	Parsons	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	Robertson	White	
Denton	Kirkland			—25

*Nays:* Messrs.: Figures, Harrison, Hilliard, Pearson and St. John. —5*Abstaining:* Mr. Lemaster. —1

which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 37. To amend section 16-13-145 of the Code of Alabama 1975, relating to the funding of county and city boards of education, so as to authorize said boards to participate in the energy conservation financing programs of the Tennessee Valley Authority.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 37, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 37

Amend S. 37 by deleting in its entirety Subsection (b) of Section on page 3 and by substituting in lieu thereof the following:

“(b) Notwithstanding the provisions of subsection (a) of this section, section 16-13-144, or any other provision of law, any county or city board of education upon the recommendation of the county or city superintendent of education shall have authority to contract with the Tennessee Valley Authority for the purpose of obtaining funds from the Tennessee Valley Authority’s Commercial and Industrial Energy Conservation Financing Plan or any similar plan developed by the Tennessee Valley Authority, in accordance with the terms and conditions established for such programs by the Tennessee Valley Authority, to assist said county or city board of education in modifying any school buildings as may be determined to be energy-inefficient in order to improve the energy efficiency of such buildings. No contract authorized by this subsection shall be effective until approved by the State Superintendent of Education.”

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Robertson
Barron	Gulledge	Lemaster	St. John
Britnell	Hall	Little	Smith
Cook	Higginbotham	Martin	Taylor
deGraffenried	Holmes	Miller	White
Denton	Keener	Parsons	

—22

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 12. To amend Section 6-5-333, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

JOHN W. PEMBERTON,  
Clerk.

#### REPORTS OF COMMITTEES

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Kennedy (with notice and proof):

H. 51. To provide a supplement to the salaries of district court bailiffs in the Thirteenth Judicial Circuit.

#### RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 41. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 71, AS SUBSTITUTED.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending bill, H. B. 71, as substituted, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 1 of H. B. 71, as substituted, conflict with Article I, § 6 of the Constitution of Alabama 1901?

2. Does Section 1 of H. B. 71, as substituted, conflict with Article IV, § 105 of the Constitution of Alabama of 1901?

3. Should H. B. 71, as substituted, be advertised in accordance with Article IV, § 106 of the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, H. B. 71, as substituted, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was adopted.

#### RECESS

At 3:30 P.M., on motion of Mr. St. John, the Senate took a recess until 4:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

by a majority of the whole number elected to the House, said vote being Yeas 81, Nays 8.

And said Bill S. B. 1, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 77, Nays 18.

And said Bill S. B. 1, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTION

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. MOURNING THE DEATH OF MR. JOHNNY CRAWFORD OF MONTGOMERY, ALABAMA.

WHEREAS it is with a sense of deep sorrow and regret that we today note the death of Mr. Johnny Crawford of Montgomery, Alabama, on October 18, 1981, at the age of 65; and

WHEREAS, employed by the Service Division of the State Finance Department, Mr. Crawford had been a valued state employee since November 11, 1970, and thus, for more than a decade, had conscientiously discharged his duties in a responsible and dedicated manner; and

WHEREAS, Mr. Johnny Crawford was a familiar figure in the hall of the Capitol and was held in warm affection and highest regard by all those privileged to know him well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our good friend and colleague, Mr. Johnny Crawford, and extend our most heartfelt sympathy to all his family.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Georgia Adams Crawford, that she and their two daughters, Mrs. Rosa Davis and Mrs. Etta Ingram, their son, Henry A. Crawford, and other family members may know of our concern for them in their time of such great sorrow.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McCorquodale:

H. J. R. 62. COMMENDING CHIEF GEORGE W. SKIPPER AND THE JACKSON, ALABAMA, VOLUNTEER FIRE DEPARTMENT.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Kirkland, the Rules were suspended and the Resolution, H. J. R. 62, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### COMMUNICATION FROM THE SUPREME COURT THE STATE OF ALABAMA—JUDICIAL DEPARTMENT THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

To the Members of the Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

Pursuant to Senate Resolution 25, you requested the Justices of the Supreme Court, or a majority of them, to give their written opinion as to whether pending Senate Bill 79 is in conflict with Article 4, Section 93, as amended, of the Constitution of Alabama.

I beg leave to advise that a majority of the Justices have been unable to decide the constitutionality in the absence of an adversary proceeding which would develop facts and be submitted on written briefs and oral argument before this court.

Respectfully submitted,

C. C. TORBERT, JR.,  
Chief Justice.

The foregoing Communication from the Supreme Court was read and ordered spread upon the Journal.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 49. Relating to appropriations for the ordinary expenses of certain of the executive, legislative and judicial departments of the state, for other functions of government, for interest on public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, made by Act No. 81-859, H. 630 of the 1981 Regular Session, so as to further provide for supplemental appropriations to certain of the agencies therein and to make additional supplemental appropriations from the general fund of the state treasury for such fiscal year and from the Polygraph Examiners Fund; making supplemental appropriations to the Military Department for purposes of social security; to the Board of Polygraph Examiners for purposes of the Polygraph Examiners Fund, to the Department of Finance and to the office of the Secretary of State to implement the provisions of the Alabama Business Corporation Act, to the Department of Conservation and Natural Resources for purposes of Outdoor Recreation Sites and Services, to the Department of Public Health for purposes of Environmental Health Improvement-Hazardous Waste Control, to Blakely Park for its operations and functions, and to the Board of Pardons and Paroles for operations and functions of the Board, for supplemental appropriations of \$4,631,383 from the general fund and \$14,000 from the Polygraph Examiners Fund, which appropriations shall be in addition to any and all other funds heretofore and hereinafter appropriated.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 6. To provide further for the 17th Judicial Circuit; to provide for an expense allowance for the district court judges of the 17th Judicial Circuit to be paid by the counties comprising the circuit; to repeal conflicting laws; to specifically repeal Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), both as last amended, establishing the Sumter County Court of Record, so as to abolish such court.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 9. To further amend Act No. 497, Regular Session of the Legislature of Alabama of 1965; (Ala. Acts, 1965, pp. 717-739) establishing a pension system for employees and officers of Jefferson County, Alabama, as heretofore amended.

Also:

H. 11. To further amend Section 8 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, establishing a pension system for employees and officers of Jefferson County, Alabama, as said Section 8 has been heretofore amended.

Also:

H. 12. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

Also:

H. 75. Relating to Elmore County; to amend section 5 of Act No. 983, H. 1019, Regular Session 1971, (Acts 1971, p. 1755) relating to the taxation of certain alcoholic beverages in said county, so as to provide further for such tax, and to provide for retroactive effect.

Also:

H. J. R. 51. EXPRESSING OPPOSITION TO THE "BONUS" PAY PLAN RECENTLY APPROVED BY THE TENNESSEE VALLEY AUTHORITY BOARD OF DIRECTORS.

Also:

H. J. R. 55. COMMENDING DR. YVONNE KENNEDY AS PRESIDENT OF S. D. BISHOP STATE JUNIOR COLLEGE.

Also:

H. J. R. 56. WELCOMING DR. ROBERT H. RANDOLPH AS PRESIDENT OF ALABAMA STATE UNIVERSITY.

Also:

H. J. R. 57. URGING THE U.S. CORPS OF ENGINEERS TO REMOVE ITS BOATING AND FISHING RESTRICTIONS IN THE TAILWATER AREAS BELOW U.S. CORPS OF ENGINEERS DAMS.

Also:

H. J. R. 58. TO AMEND FURTHER ACT NO. 80-771, S. J. R. 239, CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS, SO AS TO PROVIDE FURTHER FOR THE POWERS AND DUTIES OF SAID COMMITTEE.

Also:

H. J. R. 59. COMMENDING CHARLES R. (ROD) CLARK FOR HIS MERITORIOUS SERVICES TO THE LEGISLATURE OF ALABAMA.

Also:

H. J. R. 60. COMMENDING THE CENTER FOR URBAN AFFAIRS, UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND ITS DIRECTOR, ODESSA WOOLFOLK, FOR THEIR OUTSTANDING, CONSISTENT SERVICES AND CONTRIBUTIONS TO THE BIRMINGHAM COMMUNITY, THE STATE OF ALABAMA, AND DEPARTMENTS OF THE GOVERNMENT.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### RESOLUTIONS

Messrs. Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 43. EXTENDING ALL BEST WISHES FOR A SPEEDY RECOVERY TO MRS. MARIE WALKER.

Which was adopted.

Mr. Kirkland then offered the following Senate Resolution, to-wit:

S. R. 44. COMMENDING CHIEF GEORGE W. SKIPPER AND THE JACKSON, ALABAMA, VOLUNTEER FIRE DEPARTMENT.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:



H. J. R. 53. DIRECTING THE STATE HIGHWAY DEPARTMENT TO INCLUDE CITY MAP INSETS OF THE TEN LARGEST CITIES IN ALABAMA, ACCORDING TO THE 1980 FEDERAL DECENNIAL CENSUS, ON THE 1982-90 OFFICIAL ALABAMA HIGHWAY MAPS.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 36. COMMENDING MR. L. W. BRANNAN, JR., OF FOLEY, ALABAMA, DISTINGUISHED PUBLIC SERVANT AND PROMINENT CIVIC LEADER.

Also:

S. J. R. 38. COMMENDING AND CONGRATULATING MR. RAY SCOTT, AND THE BASS ANGLERS SPORTSMAN SOCIETY, ON THE OUTSTANDING SUCCESS OF THE ANNUAL BASS MASTERS CLASSIC.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 6. To provide further for the 17th Judicial Circuit; to provide for an expense allowance for the district court judges of the 17th Judicial Circuit to be paid by the counties comprising the circuit; to repeal conflicting laws; to specifically repeal Act No. 1703, H. 2502 of the 1971 Regular Session (Acts 1971, p. 2862), and Act No. 229, H. 487 of the 1975 Regular Session (Acts 1975, p. 756), both as last amended, establishing the Sumter County Court of Record, so as to abolish such court.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 45. To amend Section 6-5-333, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

Also:

H. 74. To amend Code of Alabama 1975, Section 17-16-15, which section relates to Assessments and other qualifications for candidates for nomination, so as to have assessments not to exceed two percent of one year's salary as presently stipulated but without the present \$600 maximum.

Also:

H. J. R. 53. DIRECTING THE STATE HIGHWAY DEPARTMENT TO INCLUDE CITY MAP INSETS OF THE TEN LARGEST CITIES IN ALABAMA, ACCORDING TO THE 1980 FEDERAL DECENNIAL CENSUS, ON THE 1982-90 OFFICIAL ALABAMA HIGHWAY MAPS.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the title of which are set out in the foregoing Message from the House.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 1. To provide for the reapportionment of the two houses of the Alabama Legislature based upon the 1980 census.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

#### ADJOURNMENT

At 4:40 P.M., on motion of Mr. Callahan, the Senate adjourned until Wednesday, October 21, 1981, at 3 o'clock P.M.

## EIGHTH LEGISLATIVE DAY

WEDNESDAY, OCTOBER 21, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by Reverend Hal McNeely, Assistant Minister, Trinity Presbyterian Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Denton	Holmes	Parsons
Bailey	Goodwin	Keener	Pearson
Barron	Gulledge	Kirkland	St. John
Britnell	Hall	Little	Smith
Callahan	Harrison	Martin	Taylor
Cook	Higginbotham	McDonald	Weeks
deGraffenried	Hilliard	Miller	White

—27

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Figures, Glass, Lemaster, Mitchem, Proctor, Robertson, Teague, and Vacca for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 17. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. BOOKER T. WASHINGTON ON THE CAPITOL GROUNDS.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 8. Relating to the City of Gadsden; amending Section 1 of Act No. 63, H. 1, 1978 Second Special Session (Acts 1978, p. 1750), so as to provide further for the salaries of members of the board of commissioners.

Also:

S. 10. To amend section 22-6-7, Code of Alabama 1975, so as to provide further for the letting of certain contracts by the Medicaid Agency of the State of Alabama.

Also:

S. 12. To amend Section 6-5-333, Code of Alabama 1975, which relates to exemption from liability for dentists constituting utilization and quality control committees, peer review committees or professional standards review committees, so as to provide further for said exemption from liability.

Also:

S. 37. To amend section 16-13-145 of the Code of Alabama 1975, relating to the funding of county and city boards of education, so as to authorize said boards to participate in the energy conservation financing programs of the Tennessee Valley Authority.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 36. COMMENDING MR. L. W. BRANNAN, JR., OF FOLEY, ALABAMA, DISTINGUISHED PUBLIC SERVANT AND PROMINENT CIVIC LEADER.

Also:

S. J. R. 38. COMMENDING AND CONGRATULATING MR. RAY SCOTT, AND THE BASS ANGLERS SPORTSMAN SOCIETY, ON THE OUTSTANDING SUCCESS OF THE ANNUAL BASS MASTERS CLASSIC.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

H. 49. Relating to appropriations for the ordinary expenses of certain of the executive, legislative and judicial departments of the state, for other functions of government, for interest on public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982, made by Act No. 81-859, H. 630 of the 1981 Regular Session, so as to further provide for supplemental appropriations to certain of the agencies therein and to make additional supplemental appropriations from the general fund of the state treasury for such fiscal year and from the Polygraph Examiners Fund; making supplemental appropriations to the Military Department for purposes of social security; to the Board of Polygraph Examiners for purposes of the Polygraph Examiners Fund, to the Department of Finance and to the office of the Secretary of State to implement the provisions of the Alabama Business Corporation Act, to the Department of Conservation and Natural Resources for purposes of Outdoor Recreation Sites and Services, to the Department of Public Health for purposes of Environmental Health Improvement-Hazardous Waste Control, to Blakely Park for its operations and functions, and to the Board of Pardons and Paroles for operations and functions of the Board, for supplemental appropriations of \$4,631,383 from the general fund and \$14,000 from the Polygraph Examiners Fund, which appropriations shall be in addition to any and all other funds heretofore and hereinafter appropriated.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama  
Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill 49, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 21st day of October, 1981.  
To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama  
Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 49 without my signature and approval and with the following suggested Executive Amendments.

On page 2, Section 4, line 20, delete the word "and" appearing after the words "the Department of Public Health" and inserting in lieu thereof:

Also in Section 4, line 20, after the words "the Board of Pardons and Parole" insert: "and Historic Blakely Park".

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this House Bill.

Respectfully,

FOB JAMES.

The House has refused to make the amendment from His Excellency, the Governor, to the Bill by a vote of: Yeas 31, Nays 29.

And said Bill was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 67, Nays 0.

And said Bill, H. 49, together with the Governor's Message containing his objections, is herewith sent to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Pearson, the Senate reconsidered the Bill, H. B. 49, the title of which is set out in the foregoing Message from the House.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Parsons
Barron	Hall	Kirkland	Pearson
Britnell	Harrison	Little	St. John
Cook	Higginbotham	Martin	Smith
deGraffenried	Hilliard	McDonald	Taylor
Denton	Holmes	Miller	White

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*Nays:*

—0

And said Bill, H. B. 49, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Parsons
Barron	Hall	Kirkland	Pearson
Britnell	Harrison	Little	St. John
Callahan	Higginbotham	Martin	Smith
Cook	Hilliard	McDonald	Taylor
deGraffenried	Holmes	Miller	White
Denton			

—24

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the House Joint Resolution:

H. J. R. 26. PROVIDING FURTHER FOR THE AUTHORITY OF THE INTERIM COMMITTEE TO OVERSEE AND MONITOR THE STATE TELEPHONE SYSTEM.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Joint Resolution Number 26, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 21st Day of October, 1981.

To The Alabama House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Joint Resolution Number 26 without my signature and approval and with the following suggested Executive Amendment.

On page 1, line 23, after the words "state employees." add the following language. "However, to insure that the actions of this interim committee are totally supportive of the efforts of all state and federal law enforcement agencies in the state and all ongoing criminal investigations, the committee shall not have the power or authority to order the production of legal records and materials or to inspect any legal surveillance or legal eavesdropping which may impede or prejudice any ongoing or pending criminal prosecutions or investigations by any grand jury or any other law enforcement authority in the State of Alabama."

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this House Joint Resolution.

Respectfully,

FOB JAMES.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the House Joint Resolution, by a vote of a majority of the whole number elected to the House.

And said House Joint Resolution, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House.

And said House Joint Resolution 26, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Miller, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Resolution, H. J. R. 26, the title of which and said Executive amendment are set out in the foregoing Message from the House, by a vote of a majority of the whole number elected to the Senate.

And said Resolution, H. J. R. 26, as thus amended by the Executive amendment, was again read at length and adopted, by a vote of a majority of the whole number elected to the Senate.

### RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 45. CONGRATULATING AND COMMENDING MR. ED LEIGH McMILLAN, II, RECIPIENT OF THE W. KELLY MOSLEY ENVIRONMENTAL AWARD.

Which was adopted.

Mr. Barron offered the following Senate Resolution, to-wit:

S. R. 46. EXTENDING BIRTHDAY WISHES TO MILO HOWARD, DIRECTOR OF THE DEPARTMENT OF ARCHIVES AND HISTORY.

Which was adopted.

### BILL RECONSIDERED

Mr. Callahan moved that the Senate reconsider the vote by which the Bill, H. B. 49, was passed, the Governor's objections to the contrary notwithstanding.

On motion of Mr. Martin, the motion to reconsider was laid on the table.

Yeas 19; Nays 3.

*Yeas:*

Messrs.:	Hall	Kirkland	Pearson
Barron	Harrison	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Parsons	White

—19

*Nays:* Messrs.: Callahan, Gulledge and Little.

—3

And said Bill, H. B. 49, together with the Governor's Message containing his objections, is herewith returned to the House.



MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 17. PROVIDING FOR THE PLACEMENT AND DISPLAY OF A BUST OR STATUE OF DR. BOOKER T. WASHINGTON ON THE CAPITOL GROUNDS.

Also:

H. J. R. 62. COMMENDING CHIEF GEORGE W. SKIPPER AND THE JACKSON, ALABAMA, VOLUNTEER FIRE DEPARTMENT.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The Bill:

H. 2. To amend Sections 136 and 137 of the Alabama Business Corporations Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, p. 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, so as to provide that information filed by corporations pursuant to Section 40-14-21 and 40-14-22, Code of Alabama 1975, shall constitute and be accepted in lieu of the requirement of filing annual reports under the Sections referred to hereinabove and to amend Section 10-2A-281, Code of Alabama 1975, which provides for fees for filing certain documents, so as to eliminate the fee for filing an annual report.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	deGraffenried	Holmes	Parsons
Bailey	Goodwin	Keener	Smith
Barron	Gulledge	Kirkland	Taylor
Britnell	Hall	Little	Weeks
Callahan	Harrison	Martin	White
Cook	Higginbotham	Miller	

—22

Nays:

—0

The Bill:

H. 10. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Higginbotham	St. John	
Bailey	Denton	Holmes	Smith	
Barron	Goodwin	Keener	Taylor	
Britnell	Gulledge	Little	Weeks	
Callahan	Hall	McDonald	White	
Cook	Harrison	Miller		—22

*Nays:* —0

The Bill:

H. 51. To provide a supplement to the salaries of district court bailiffs in the Thirteenth Judicial Circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Pearson	
Bailey	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Britnell	Harrison	McDonald	Taylor	
Callahan	Hilliard	Miller	Weeks	
Cook	Holmes	Parsons	White	
Denton	Keener			—25

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 67. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when the two houses adjourn today, Wednesday, October 21, 1981, they adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 67, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 42. MOURNING THE DEATH OF MR. JOHNNY CRAWFORD OF MONTGOMERY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 26. PROVIDING FURTHER FOR THE AUTHORITY OF THE INTERIM COMMITTEE TO OVERSEE AND MONITOR THE STATE TELEPHONE SYSTEM.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 2. To amend Sections 136 and 137 of the Alabama Business Corporations Act, Act No. 80-633, H. 81, 1980 Regular Session (Acts 1980, p. 1094), appearing as Sections 10-2A-260 and 10-2A-261 in 1980 Replacement Volume 7 of the Code of Alabama 1975, so as to provide that information filed by corporations pursuant to Section 40-14-21 and 40-14-22, Code of Alabama 1975, shall constitute and be accepted in lieu of the requirement of filing annual reports under the Sections referred to hereinabove and to amend Section 10-2A-281, Code of Alabama 1975, which provides for fees for filing certain documents, so as to eliminate the fee for filing an annual report.

Also:

H. 10. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

Also:

H. 51. To provide a supplement to the salaries of district court bailiffs in the Thirteenth Judicial Circuit.

Also:

H. J. R. 67. Relative to Sine Die Adjournment.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cook, consideration of all Calendar Bills remaining on the Calendar was indefinitely postponed.

#### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 2

S. J. R. 4

Delivered to the Governor October 1, 1981, at 11:16 A.M.

S. J. R. 13

S. J. R. 14

S. J. R. 15

S. J. R. 16

S. J. R. 17

Delivered to the Governor October 6, 1981, at 1:30 P.M.

S. B. 57

S. B. 60

Delivered to the Governor October 8, 1981, at 1:10 P.M.

S. B. 9

S. B. 51

S. B. 56

S. B. 58

S. B. 59

S. B. 65

S. B. 71

S. J. R. 21

S. J. R. 28

Delivered to the Governor October 20, 1981, at 1:05 P.M.

S. B. 1

Delivered to the Governor October 20, 1981, at 12:30 P.M.

S. B. 8

S. B. 10

S. B. 12

S. B. 37

Delivered to the Governor October 21, 1981, at 3:45 P.M.

S. B. 1

Delivered to the Governor October 20, 1981, at 5:25 P.M.

S. J. R. 36

S. J. R. 38

Delivered to the Governor October 21, 1981, at 3:45 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Seventh and Eighth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Seventh and Eighth Legislative Days were approved by the Senate.

#### ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. Higginbotham, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/ McDOWELL LEE,  
Secretary of the Senate.

**IN THE LEGISLATURE OF THE STATE OF ALABAMA****STATE SENATE****SECOND EXTRAORDINARY SESSION****LOBBYIST REGISTRATION**

(In accordance with the provisions of Joint Rules of the two houses of the Alabama Legislature, Rules 15-23)

Akers, Dawn H., Electronic Data Systems.

Amos, Doug, Alabama League of Savings Association.

Avinger, C. E., Alabama Bankers Association.

Bailey, George F., Alabama Railroad Association.

Bates, C. W., United States Pipe and Foundry Co.; Jim Walter Resources.

Brand, James B., Associated Industries of Alabama.

Brindley, Joe, University of Montevallo.

Castiglione, Patricia M., Alabama Hospital Association.

Chandler, Roy A., Electronic Data Systems Corporation.

Christie, Martin William, Jim Walter Corporation; U.S. Pipe and Foundry.

Cleckler, Robert M., Independent Bankers; Alabama Trial Lawyers.

Cobb, William J., South Central Bell.

Crawford, Fred C., Alabama Hospital Association.

Dexter, Kendall P., MacMillan — Bloener, Inc.

Douglas, Jack F., Alabama Citizens Action Program.

Eader, Michael E., Alabama Association of School Boards.

Englehardt, Sam, Alabama Power Company.

Gilbert, Don, Alabama Trial Lawyers; Independent Bankers.

Graffeo, Michael G., City of Birmingham.

Green, William L, Alabama By-Products Corporation.

Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Assn.; Jim Walter Corporation; South Alabama State Fair Assoc., Inc.

Hartsell, Charles Ray, Blue Cross & Blue Shield of Alabama.

Holley, Debra H., Alabama Association of School Boards.

Hydrick, Robert T., The Mead Corporation.

Jenkins, Linda B., Alacaid.

Johnston, J. Reese, Jr., Jefferson County.  
Lambert, Wayne F., Alabama Bankers Association.  
Livingston, Edwin K., Alabama Tax Assessors and Collectors.  
McBee, Douglas M., Fraternal Order of Police.  
McGregor, Tom, Alabama Gas Corporation.  
Mawhinney, H. A. "Art", Alabama Wholesale Beer and Wine Association.  
Moble, Gilbert, Associated Industries of Alabama.  
Mysinger, Jim L., Department of Pensions and Security.  
O'Connor, William F., Jr., Alabama Press Association.  
Powell, Jerry A., Jr., Alabama Nursing Home Association.  
Pregno, Nanette, United Transportation Union.  
Richardson, E. Clark, Alabama Power Company.  
Rodawig, William Eric, Household International, Inc..  
Roper, William L., Alabama Department of Public Health.  
Roquemore, Perry C., Jr., Alabama League of Municipalities.  
Rowe, Charlie, Jacksonville State University.  
Sharpless, Oscar, Association of County Commissions of Alabama.  
Sorrells, Reginald Lee, Association of County Commissions of Alabama.  
Spencer, Jerry W., Modern Banking Association of Alabama.  
Spratt, Ronald Lee, City of Birmingham.  
Thiemonje, Frank, Jr., Alabama Safety Council, Inc..  
Wilson, R. Bates, Jim Walter Corporation; U.S. Pipe and Foundry.  
Wilson, Robert T., Blue Cross & Blue Shield of Alabama.

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Seventeenth Senatorial District	
Doug Cook .....	P. O. Box 6223-A, Tarrant 35217
Eighteenth Senatorial District	
Lister Hill Proctor .....	121 North Norton Ave., Sylacauga 35150
Nineteenth Senatorial District	
John A. Teague .....	P. O. Box 427, Childersburg 35044
Twentieth Senatorial District	
Donald G. Holmes .....	1915 Robinhood Dr., Oxford 36203
Twenty-first Senatorial District	
T. D. "Ted" Little .....	P. O. Box 342, Auburn 36830
Twenty-second Senatorial District	
G. J. "Dutch" Higginbotham .....	Troy State University, P. O. Box 2545, Troy 36081
Twenty-third Senatorial District	
Mike Weeks .....	P. O. Box 322, Troy 36081
Twenty-fourth Senatorial District	
Chip Bailey .....	P. O. Box 6791, Dothan 36302
Twenty-fifth Senatorial District	
Wallace Miller .....	100½ No. Main, Enterprise 36330
Twenty-sixth Senatorial District	
Don Harrison .....	516 S. Perry St., Montgomery 36104
Twenty-seventh Senatorial District	
Bishop N. Barron .....	P. O. Box 221 Montgomery 36101
Twenty-eighth Senatorial District	
Cordy Taylor .....	P. O. Box 596, Prattville 36067
Twenty-ninth Senatorial District	
Earl Goodwin .....	Rt. 7, Box 488, Selma 36701
Thirtieth Senatorial District	
Edward D. "Big Ed" Robertson .....	P. O. Box 331, Northport 35476
Thirty-first Senatorial District	
Reo Kirkland, Jr. ....	P. O. Box 646, 102 St. Joseph, Brewton 36426
Thirty-second Senatorial District	
Robert I. "Bob" Gullede .....	P. O. Drawer 3376, Robertsdale 36567
Thirty-third Senatorial District	
Michael A. Figures .....	1407 Davis Avenue, Mobile 36603
Thirty-fourth Senatorial District	
H. L. "Sonny" Callahan .....	P. O. Box 1208, Mobile 36601
Thirty-fifth Senatorial District	
Bob Glass .....	733 Lakeshore Dr. W., Mobile 36609

**STANDING COMMITTEES**  
**OF THE**  
**ALABAMA STATE SENATE**  
**1981**

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**FINANCE AND TAXATION**

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, Cook, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

**RULES**

McDonald, Chairman; Harrison, Vice-Chairman; Teague, Higginbotham, Mitchem, Pearson, St. John.

**JUDICIARY**

deGraffenried, Chairman; Figures, Vice-Chairman; Barron, Britnell, Cook, Harrison, Hilliard, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

**GOVERNMENTAL AFFAIRS**

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Hilliard, Holmes, Lemaster, Parsons, Proctor.

**AGRICULTURE, CONSERVATION AND FORESTRY**

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

**BUSINESS AND LABOR RELATIONS**

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Figures, Glass, Harrison, Hilliard, Little, Weeks.

**EDUCATION**

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Hilliard, Little, Taylor, White.

**HEALTH AND WELFARE**

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

**BANKING AND INSURANCE**

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

## COMMERCE, TRANSPORTATION AND UTILITIES

Teague, Chairman; Callahan, Vice-Chairman; Goodwin, Keener, Kirkland, Martin, Parsons, Weeks, White.

## LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

## LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Cook, Hilliard, Parsons, Pearson, Proctor, White.

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**STANDING COMMITTEE ASSIGNMENTS****FOR 1981****ALABAMA STATE SENATE****24th District**

**CHIP BAILEY**—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

**27th District**

**BISHOP N. BARRON**—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

**2nd District**

**CHARLIE BRITNELL**—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

**34th District**

**H. L. "SONNY" CALLAHAN**—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**17th District**

**DOUG COOK**—Finance and Taxation; Judiciary; Governmental Affairs; Banking and Insurance; Local Legislation No. 2.

**16th District**

**RYAN deGRAFFENRIED, JR.**—Chairman, Judiciary; Health and Welfare; Local Legislation No. 1.

**1st District**

**BOBBY DENTON**—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

**33rd District**

**MICHAEL A. FIGURES**—Vice-Chairman, Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

**35th District**

**BOB GLASS**—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**29th District**

**EARL GOODWIN**—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

**32nd District**

**ROBERT I. "BOB" GULLEDGE**—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

**5th District**

**ROBERT "BOB" HALL**—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

## 26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

## 22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

## 15th District

EARL F. HILLIARD—Judiciary; Education; Business and Labor Relations; Governmental Affairs; Local Legislation No. 2.

## 20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

## 10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Commerce, Transportation and Utilities.

## 31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

## 8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

## 21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

## 3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

## 6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

## 25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

## 9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

## 14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

## 13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Local Legislation No. 2.

## 18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

## 30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

## 4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

## 7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

## 28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

## 19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Rules; Banking and Insurance.

## 12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

## 23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

## 22th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

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**HOUSE OF REPRESENTATIVES  
SECOND EXTRAORDINARY SESSION, 1981  
ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles H. Adams, 66	Roy W. Johnson, Jr., 47
H. H. "Bill" Adams, 30	Phillip "Phil" B. Kelley, 26
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
William Clark, 98	Arthur Payne, 15
Wayne Cobb, 5	Leigh Pegues, 86
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Steve Cooley, 10	T. Euclid Rains, Sr., 25
W. F. "Noopie" Cosby, Jr., 85	James E. Ray, 68
Bobby C. Crow, 58	Thomas Reed, 67
Gene Daniels, 73	Frank Riddick, 18
Gerald O. Dial, 60	Tommy Ed Roberts, 9
Larry D. Dixon, 81	J. Thomas Sandusky, 100
Bill Drinkard, 29	James G. Sasser, 69
William D. Edwards, 83	George Seibels, 32
Sundra E. Escott, 45	Cecil Shavers, 23
Joe M. Ford, 28	Wallace Shoemaker, 55
Robert C. "Bob" Gafford, 33	Curtis Smith, 53
Charles T. Gilmer, 6	James P. Smith, 17
J. W. "Joe" Goodwin, 4	Martha Jo Smith, 21
Richard Gregg, 19	Nelson R. Starkey, Jr., 2
George H. Grimsley, 70	George Stewart, 104
E. A. Grouby, Jr., 82	J. David Stout, 24
Albert Hall, 22	Hoyt W. Trammell, 36
Seth Hammett, 75	Jerome Tucker, 43
Owen Harper, 62	J. E. Turner, 96
Taylor F. Harper, 105	Pete Turnham, 63
A. L. "Tony" Harrison, 44	Jack B. Venable, 76
Bob Harvey, 27	J. T. "Jabo" Waggoner, Jr., 51
John E. Higginbotham, 1	Shelby Dean Ward, 64
L. Brooks Hines, 91	J. E. "Jimmy" Warren, 93
Jimmy W. Holley, 74	Charles W. Whatley, 65
Alvin Holmes, 80	R. Nolan Williams, 72
William Fred Horn, 39	Gerald Willis, 57
Asbury Howard, 49	Cecil Wyatt, 78
Ronald E. Jackson, 38	Mary S. Zoghby, 102
Ronald G. Johnson, 54	

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA**

**1981**

**SECOND EXTRAORDINARY SESSION**

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY  
*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

<b>Dist. No.</b>	<b>Counties</b>	<b>Name</b>	<b>Address</b>
1	LAUDERDALE	John E. Higginbotham	Rt. 11, Box 158, Florence 35630
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 1186, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549



- 13 WALKER  
Alvis Naramore ..... 5th Avenue, 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT  
Earl Cheatwood ..... Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON  
Arthur Payne ..... 2825 2nd. St., N. W. Birmingham 35215
- 16 LIMESTONE  
Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
James P. (Jim) Smith ..... 108 South Side Square  
Huntsville 35801
- 18 MADISON  
Frank H. Riddick ..... 7804 Lauderdale Rd., S. W.,  
Huntsville 35802
- 19 MADISON  
Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810
- 20 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., N. E.,  
Huntsville 35811
- 21 MADISON  
Martha Jo Smith ..... 1700 Big Cove Rd., S. E.,  
Huntsville 35801
- 22 MADISON, JACKSON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout ..... P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486,  
Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... 117 Arcade St. E., Gadsden 35903
- 29 ETOWAH  
Bill Drinkard ..... P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON  
W. J. (Bill) Cabaniss ..... P. O. Box 57032,  
Birmingham 35209

- 32 JEFFERSON  
George Seibels ..... 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON  
Robert C. (Bob) Gafford ..... 5345 Division Ave.,  
Birmingham 35212
- 34 JEFFERSON  
John E. Amari ..... 9636 Parkway E., Birmingham 35215
- 35 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON  
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON  
Jim Bennett ..... Marshall, Bennett & Company  
Suite 616, Woodward Bldg.,  
1927 1st Ave. N., Birmingham 35203
- 38 JEFFERSON  
Ronald E. Jackson ..... 1324 Elmwood St.,  
Birmingham 35211
- 39 JEFFERSON  
William Fred Horn ..... 333 16th Ave. S. W.,  
Birmingham 35211
- 40 JEFFERSON  
J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218
- 41 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 42 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle,  
Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ..... Suite 1722, 2121 Building, 8th Ave. N.,  
Birmingham 35203
- 44 JEFFERSON  
A. L. (Tony) Harrison ..... 1630 4th Ave., No.,  
Birmingham 35203
- 45 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 46 TUSCALOOSA  
Park Barton ..... P. O. Box 338, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. .... Route 4, Box 140,  
Tuscaloosa 35405
- 48 TUSCALOOSA, BIBB  
Walter Owens ..... 107 Court Sq. West,  
Centreville 35042

- 49 TUSCALOOSA, JEFFERSON  
Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON  
M. Duane Lewis ..... 1129 4th Ave. N., Bessemer 35020
- 51 JEFFERSON, SHELBY  
J. T. (Jabo) Waggoner, Jr. .... 1829 Mission Rd.,  
Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA  
Sonny Moore ..... P. O. Box 44,  
Sterrett 35147
- 53 CHILTON, SHELBY  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA  
Ronald G. Johnson ..... Route 5, Box 17,  
Sylacauga 35150
- 55 TALLADEGA  
Wallace Shoemaker ..... 15 Cliff Rd., Childersburg 35044
- 56 ST. CLAIR, CALHOUN  
A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125
- 57 CALHOUN  
Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN  
Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201
- 59 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 60 CLAY, CLEBURNE, TALLADEGA  
Gerald O. Dial ..... Box 248, Lineville 36266
- 61 RANDOLPH, CHAMBERS  
Richard Laird ..... Bonner Dr., Roanoke 36274
- 62 TALLAPOOSA, CHAMBERS  
Owen Harper ..... 502 Lilly Ave.,  
E. Tallassee 36023
- 63 TALLAPOOSA, LEE, CHAMBERS  
Pete Turnham ..... P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE  
Shelby Dean Ward ..... P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR  
Charles W. Whatley ..... Rt. 5, Box 296, Opelika 36801
- 66 RUSSELL  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 67 MACON, BULLOCK  
Thomas Reed ..... Drawer EE, Tuskegee Institute,  
Tuskegee 36088

- 68 PIKE, COFFEE, BULLOCK, BARBOUR  
James E. Ray ..... 104 Woodland Circle,  
Troy 36081
- 69 DALE, BARBOUR, HENRY  
James G. Sasser ..... 1208 Skipperville Rd.,  
Ozark 36360
- 70 HOUSTON, HENRY, BARBOUR  
George H. Grimsley ..... Rt. 1, Columbia 36319
- 71 HOUSTON  
Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301
- 72 DALE  
R. Nolan Williams ..... Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON  
Gene Daniels ..... Rt. 2, Box 207, Samson 36477
- 74 COVINGTON, COFFEE  
Jimmy W. Holley ..... Rt. 3, Box 191 E. Elba 36323
- 75 COVINGTON  
Seth Hammett ..... P. O. Box 1418, Andalusia 36420
- 76 ELMORE  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 77 MONTGOMERY  
Charles D. Langford ..... 352 Dexter Ave.,  
Montgomery 36104
- 78 MONTGOMERY, CRENSHAW  
Cecil Wyatt ..... P. O. Box 1, Ramer 36069
- 79 MONTGOMERY  
Bob McKee ..... P. O. Box 424, Montgomery 36102
- 80 MONTGOMERY  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 81 MONTGOMERY  
Larry Dixon ..... State Board Medical Examiners  
P. O. Box 946, Montgomery 36102
- 82 AUTAUGA, ELMORE, LOWNDES, MONTGOMERY  
E. A. Grouby, Jr. .... P. O. Box 188,  
Prattville 36067
- 83 WILCOX, LOWNDES, DALLAS  
William D. Edwards ..... Rt. 1, Box 180A, Fort Deposit 36032
- 84 BUTLER, CRENSHAW  
Eric O. Cates, Jr. .... Rt. 2, Box 320, Greenville 36037
- 85 DALLAS, AUTAUGA  
William F. (Noopie) Cosby, Jr. .... 201 Ruth St.,  
Selma 36701
- 86 DALLAS, PERRY, MARENGO  
Leigh Pegues ..... 204 East Early St., Marion 36756

- 87 MARENGO, SUMTER, HALE, GREENE  
Richard S. (Rick) Manley ..... P. O. Drawer U,  
Demopolis 36732
- 88 GREENE, PICKENS, TUSCALOOSA, HALE  
George Clark ..... Box 6, Eutaw 35462
- 89 TUSCALOOSA, PICKENS  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 90 SUMTER, CHOCTAW  
Preston (Mann) Minus, Jr. .... P. O. Box 969,  
Livingston 35470
- 91 ESCAMBIA  
L. Brooks Hines ..... P. O. Box 345, Brewton 36426
- 92 CLARKE, MONROE  
Joe C. McCorquodale, Jr. .... P. O. Box 928,  
111 W. Church St., Jackson 36545
- 93 MONROE, CONECUH, ESCAMBIA  
J. E. (Jimmy) Warren ..... P. O. Box 207,  
Castleberry 36432
- 94 BALDWIN  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
- 95 BALDWIN, MOBILE  
Stephen A. McMillan ..... P. O. Box 337, Bay Minette 36507
- 96 WASHINGTON, MOBILE  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 97 MOBILE  
V. M. Parker ..... 504 Woodlore Dr., Chickasaw 36611
- 98 MOBILE  
William Clark ..... P. O. Box 10434, Prichard 36610
- 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
J. Thomas (Tommy) Sandusky ..... P. O. Box 9338,  
Mobile 36691
- 101 MOBILE  
Ann Bedsole ..... 25 Edgefield Rd., Mobile 36608
- 102 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Dr., Mobile 36606
- 103 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
- 104 MOBILE  
George Stewart ..... 4413 S. Shan Dr., Mobile 36609
- 105 MOBILE  
Taylor F. Harper ..... P. O. Box 208, Grand Bay 36541
-



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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**THIRD**  
**EXTRAORDINARY**  
**SESSION OF 1981**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, NOVEMBER 3, 1981**



**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

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4. A topic index of general bills listed alphabetically by subject matter;
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6. A topic index of resolutions;
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8. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
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**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
**THIRD EXTRAORDINARY**  
**SESSION OF 1981**

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FIRST LEGISLATIVE DAY  
TUESDAY, NOVEMBER 3, 1981

BE IT REMEMBERED, that on the 3rd day of November, A.D., 1981, Fob James, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

**STATE OF ALABAMA**  
**PROCLAMATION**  
**BY THE GOVERNOR**

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Article V. Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, Fob James, as Governor of the State of Alabama, do hereby proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 5:30 P.M., Tuesday, November 3, 1981, and I do hereby designate the following subjects and matters, which I as Governor deemed necessary to be considered and acted upon by said Legislature in extraordinary session assembled:

1. A Constitutional Amendment to create and provide for the management of a permanent trust fund to consist of investments acquired with monies derived by the State from the past and future disposition of its rights in offshore oil, gas and other hydrocarbon minerals.

2. A Constitutional Amendment authorizing the State to issue in interest bearing General Obligation Bonds, Notes, or other evidences of indebtedness for capital and other purposes.

3. Legislation relating to the issuance by the State of its General Obligation Bonds, Notes or other evidences of indebtedness.

4. Legislation to make appropriation for public roads, highways and bridges in the State.

5. Legislation to make appropriation for public schools in the State.

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1st Day

6. Legislation to make appropriations for the purpose of paying the counties of the State for costs of housing State prisoners.

7. Legislation to make appropriations for the support and encouragement of educational and industrial activities involving basic and applied scientific research and development.

8. A Constitutional Amendment authorizing the use of funds of the State to pay expenses incurred by the Alabama Housing Finance Authority in issuing bonds to finance housing for private persons.

9. Legislation removing the limitation on the power of the Alabama Housing Finance Authority to issue its bonds after March 31, 1982, and to make appropriation to pay the costs of providing services and other bond issuance costs in connection with such bonds.

10. Legislation to amend Chapter 1A of Article 3 of Title 24 of the Code of Alabama 1975.

11. Legislation to make appropriation for the Department of Mental Health and the Board of Corrections supplemental to or in lieu of previously made appropriations.

12. Local Legislation.

IN WITNESS WHEREOF, I have hereunto set my hand as Governor of the State of Alabama and caused this proclamation to be attested by the Secretary of State, at the capitol, in the City of Montgomery, on this 29th day of October, 1981.

FOB JAMES,  
Governor.

ATTEST:

DON SIEGELMAN,  
Secretary of State.

Pursuant to such proclamation, at the hour of 5:30 P.M. on Tuesday, November 3, 1981, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by the Honorable George McMillan, Lieutenant Governor and President and Presiding Officer of the Senate. McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by the Reverend Charles W. Adams, Associate Rector, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Glass			

LEAVES OF ABSENCE

On motion of Mr. White, leave of absence was granted Messrs. Figures, McDonald, and Smith for today.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTIONS

Mr. Keener offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED That said Committee ascertain from His Excellency if he desires to address a joint session of the Legislature and, if he does desire to address a joint session, to further ascertain the time most suitable to him for such address.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Kenner, Gulledege, and Britnell.

Mr. Keener then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT GOVERNOR TO JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on November 3, 1981, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Pearson, Teague, and Denton.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Barron:

S. 1. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Mr. Barron:

S. 2. To provide that any state employee who received a step increase limited under the provisions of Act 80-616, Regular Session 1980, shall be brought up to the normal step under the State Pay Plan.

Committee on Finance and Taxation.

By Mr. Holmes:

S. 3. To provide further for the procedure by which certain utilities may appeal rate hearings that have been held before the Public Service Commission and repeals Section 37-1-125 through 37-1-135, and Sections 37-1-140 through 37-1-144, Code of Alabama 1975, which provide for the appellate procedure.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Holmes:

S. 4. To prohibit certain public utilities and telephone companies from requesting more than one rate increase in any calendar year.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Holmes:

S. 5. To amend Act No. 81-665, H. 327, Regular Session 1981, which provides for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama 1975, as amended on the storage, use or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981, for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties



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where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity so as to increase the fees for the collection of such tax.

Committee on Finance and Taxation.

By Mr. Proctor (with notice and proof):

S. 6. To alter, rearrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the notice & proof is attached to the Bill, S. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Weeks:

S. 7. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pike County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

Committee on Judiciary.

The above Bill was read a first time at length as required by the Constitution.

By Mr. deGraffenried:

S. 8. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

Committee on Finance and Taxation.

By Mr. Keener:

S. 9. To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees of associations to \$25.00; to require annual renewal permit fees of \$25.00 for associations; to provide that annual renewal fees are payable for branch offices.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Harrison:

S. 10. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

Committee on Finance and Taxation.

By Mr. Messrs. Denton and Britnell:

S. 11. To amend Section 28-3-74 (e) of the Code of Alabama 1975, to provide that when a county changes its status from a dry county to a wet county that such county will be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year. To further provide that a newly created municipality in a wet county shall be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year.

Committee on Governmental Affairs.

By Messrs. Britnell and Denton (with notice and proof):

S. 12. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county and to provide for its retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 12, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan:

S. 13. To propose a constitutional amendment creating a reserve fund to be administered by the state treasurer under the direction of a select committee.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. 14. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Committee on Governmental Affairs.

By Mr. Gulledge:

S. 15. To amend section 36-17-3, Code of Alabama 1975, relating to the duties of the state treasurer, so as to further authorize the treasurer to deposit money and securities deposited with the state to be held in the vault of any bank in the state which is insured by the Federal Deposit Insurance Corporation and located in a federal reserve bank city.

Committee on Finance and Taxation.

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By Mr. deGraffenried:

S. 16. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Committee on Judiciary.

By Messrs. Little and Higginbotham:

S. 17. To provide for a county salary supplement for the District Attorney of the 37th judicial circuit; to provide for the payment of such supplement out of county general funds; and to provide for an effective date.

Committee on Finance and Taxation.

By Mr. White:

S. 18. To state the intent of the Legislature; to amend § 34-24-70 of the Code of Alabama, 1975, to state the qualifications required of applicants by examination or by reciprocity; to distinguish between graduates of colleges of medicine and colleges of osteopathy located in the United States or District of Columbia and other such graduates; to permit receipt of satisfactory evidence showing graduation in lieu of a diploma; to delete the requirement that a graduate of a foreign medical or osteopathic school complete a residency; to delete the requirement that a graduate of a foreign medical or osteopathic school be eligible to take the examination of an approved specialty board; to amend the requirement that a graduate of a foreign medical or osteopathic school be certified by the educational council for foreign medical graduates so that such graduate must only have received a passing grade on the written examination; to require that graduates of foreign medical or osteopathic schools complete at least one year of internship at a hospital approved by the board of medical examiners; to delete the provision of § 34-24-70 that relates to county licenses; to require graduates of foreign medical or osteopathic schools and graduates of medical or osteopathic schools located in the United States or District of Columbia who have not passed a specified written examination within the ten years immediately preceding the date of the application to successfully complete an oral examination; to exempt from such oral examination applicants who have been certified by an approved specialty board or who have passed a recertification examination given by an approved board within the same ten year period; and to provide rule making authority.

Committee on Health and Welfare.

By Messrs. White and Cook (with notice and proof):

S. 19. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next terms of office of said officers and the beginning of each term of office of said officers thereafter.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 19, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Higginbotham and Little:

S. 20. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

Committee on Finance and Taxation.

By Mr. Callahan:

S. 21. To propose a constitutional amendment pledging interest accrued from the reserve fund to certain projects.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Mr. Kirkland:

S. 22. To require that all utility trailers and boat trailers being pulled or transported on the public highways, roads and streets be equipped with safety chains; and to prescribe penalties for violations of this act.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. Mitchem:

S. 23. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

Committee on Agriculture, Conservation,  
and Forestry.

By Mr. Mitchem:

S. 24. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975, regarding paint; labeling requirements; provisions for enforcement; collection of inspection fees; penalty for violation.

Committee on Agriculture, Conservation,  
and Forestry.

By Messrs. Mitchem, Miller, Robertson and Denton:

S. 25. Relating to the eradication of brucellosis in livestock: To make an appropriation to the Department of Agriculture and Industries for the fiscal year 1981-1982 from the general fund into the agricultural fund; to indemnify owners of livestock for the value of any livestock ordered condemned and destroyed for the prevention of brucellosis in livestock.

Committee on Finance and Taxation.

By Messrs. Pearson and Hall (with notice and proof):

S. 26. To establish the salary for the Sheriff of Jefferson County, Alabama: and to provide that the salary as fixed by this Act shall take effect at

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the beginning of the next term of office of said officer and the beginning of each term of office of said officer thereafter.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 26, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Martin:

S. 27. To amend Sections 22-12A-2, 22-12A-3 and 22-12A-6 of the Code of Alabama 1975, relating to the Perinatal Health Act and legislative intent, content and the use of funds generally, so as to further provide therefor and enunciate the legislative intent with respect to educational programs.

Committee on Health and Welfare.

By Mr. Keener (with notice and proof):

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 28, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 29. To repeal Act No. 452, S. 663, approved August 20, 1973, Regular Session 1973 (Acts 1973, p. 639), entitled "An Act Relating to deputy district attorneys in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 29, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 30. Relating to Etowah County; to provide for deputy district attorneys for the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 30, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Lemaster (with notice and proof):

S. 31. Relating to DeKalb County, to provide for an advisory referendum to select one of two methods for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 31, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Tuesday, November 3, 1981, we adjourn to meet again on Wednesday, November 4; when we adjourn on Wednesday, November 4, we adjourn to meet again on Thursday, November 5; and when we adjourn on Thursday, November 5, we adjourn to meet again on Tuesday, November 10, 1981.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 4, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on November 3, 1981 for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed Reps. Cates, Clark (G) and Riddick.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has named Representatives: Venable, McMillan and Barton.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 2, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 3. MOURNING THE DEATH OF MRS. CLARA BEELAND BROOKS OF BREWTON, ALABAMA.

Which was adopted.

Mr. Gullledge offered the following Senate Resolutions, to-wit:

S. R. 4. EXPRESSING APPRECIATION TO THE HUBERT LA-FONT SHRIMP COMPANY OF GOLDEN MEADOW, LOUISIANA.

Also:

S. R. 5. MOURNING THE DEATH OF MR. HORACE KENNEDY, FORMER MAYOR AND COUNCILMAN OF SUMMERDALE, ALABAMA.

Which were adopted.

#### RECESS

At 6 o'clock P.M., on motion of Mr. Little, the Senate took a recess until 6:30 P.M., at which time the Message of His Excellency, the Governor, will be delivered in Joint Session; Mr. Little further moved that at the completion of

the Joint Session, the Senate re-assemble in the Senate Chamber, which motion was adopted.

### JOINT SESSION

At 6:30 P.M., the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of His Excellency, the Governor, Honorable Fob James.

The Session was called to order by Lieutenant Governor George McMillan, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable Fob James was escorted to the chair and delivered his address to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, and in accordance with motion heretofore adopted, at 7:10 P.M., the Senate re-assembled in the Senate Chamber and was called to order by the Honorable George McMillan, President and Presiding Officer of the Senate.

### ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Glass			

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### INTRODUCTION OF BILLS RESUMED

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Hilliard (with notice and proof):

S. 32. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 32, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 33. To provide members of the governing body of Class I cities in Alabama and all cities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts



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of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 33, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 34. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census. Section 3.05 is hereby amended.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 34, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 35. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the number and salary of the mayor's assistants shall be determined by the mayor.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 35, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard (with notice and proof):

S. 36. Relating to Class I municipalities, to authorize the mayor of any Class I city of this state to employ for and in behalf of said City a Chief Administrative Assistant to the Mayor, to provide that the salary of the Chief Administrative Assistant shall be determined by the Mayor, and to provide that such employee shall not be subject to any merit system.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 36, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Keener and Barron:

S. 37. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Committee on Governmental Affairs.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Holmes, Kirkland, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 38. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in offshore oil, gas and other hydrocarbon minerals, create a board of trustees to manage such trust fund and prescribe the powers thereof, provide for the investment of moneys held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, and limit the liability of individual members of the board of trustees of such trust fund.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 39. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982.

Committee on Finance and Taxation.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Kirkland, Holmes, Britnell, deGraffenried, Hall, Martin, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 40. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services,

(ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Committee on Finance and Taxation.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Britnell, Denton, Kirkland, Holmes, deGraffenried, Martin, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 41. To propose an amendment to the Constitution of Alabama of 1901 authorizing the Legislature to provide by law for the payment by the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family residential property located in the State, and providing that, notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 42. To appropriate six million dollars (\$6,000,000) from certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

Committee on Finance and Taxation.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Hall, Martin, Keener, White, Lemaster, Bailey, Little and Vacca.

S. 43. To appropriate ten million dollars (\$10,000,000) from certain moneys derived by the State from the leasing of rights in offshore oil, gas and

other hydrocarbon minerals for the support and encouragement of educational, agricultural and industrial activities involving basic and applied scientific research and development.

Committee on Finance and Taxation.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Britnell, Denton, Kirkland, Holmes, deGraffenried, Hall, Martin, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 44. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

Committee on Finance and Taxation.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little and Vacca:

S. 45. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and

other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 46. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be certain moneys derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. 47. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Committee on Finance and Taxation.

By Mr. Little (with notice and proof):

S. 48. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 48, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Higginbotham:

S. 49. To permit the sale, conveyance, lease or other disposition of water systems (or portions thereof) of certain non-profit entities to certain

public authorities or corporations without the necessity of any approval or consent of the Public Service Commission.

Committee on Commerce, Transportation,  
and Utilities.

By Mr. deGraffenried (with notice and proof):

S. 50. Relating to Tuscaloosa County; amend Section 2 of Act No. 613, H. 1289, 1977 Regular Session (Acts 1977, p. 922), which relates to voter registration and the duties and compensation of the county board of registrars; and repealing Sections 11 and 12 of said Act.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 50, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. St. John:

S. 51. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

#### ADJOURNMENT

At 7:30 P.M., Mr. deGraffenried moved that the Senate adjourn until Thursday, November 5, 1981, at 2 o'clock P.M.

Mr. White offered a substitute motion that the Senate adjourn until Wednesday, November 4, 1981, at 4 o'clock P.M. which motion was lost.

The question then recurred on the motion of Mr. deGraffenried, which was adopted, and at 7:35 P.M. the Senate adjourned until Thursday, November 5, 1981, at 2 o'clock P.M.

## THIRD LEGISLATIVE DAY

THURSDAY, NOVEMBER 5, 1981

(The Senate was not in session on the Second Legislative Day).

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Ben Sawada, Pastor, Capital Heights United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Pearson
Barron	Gulledge	Lemaster	Proctor
Britnell	Hall	Little	Robertson
Callahan	Harrison	McDonald	Smith
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Weeks
Denton	Holmes	Parsons	White
Glass	Keener		

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## JOURNAL

On motion of Mr. deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the First Legislative day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. deGraffenried, leave of absence was granted Messrs. Bailey, Figures, Martin, St. John, Taylor, and Vacca for today.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Barron:

S. 52. To amend Section 40-18-6, Code of Alabama 1975, to provide that the basis of property acquired by gift or transfer in trust shall be the same as the basis of property acquired in a like manner under federal law.

Committee on Finance and Taxation.

By Mr. Barron:

S. 53. To provide that State Legislators' travel expenses shall be treated for state income tax purposes in the same manner as for federal income tax purposes.

Committee on Finance and Taxation.

By Mr. Hall:

S. 54. To provide that the health form for pre-school children required by the department of education shall be sufficient for any other state agency or political subdivision requiring health forms; and to specifically repeal any rule, regulation or law in conflict with the provisions of this act.

Committee on Education.

By Mr. Hall:

S. 55. To amend Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to permit school boards to approve vacations during the school year for twelve month employees other than teachers in city and county schools.

Committee on Education.

By Messrs. Pearson and Hall:

S. 56. To transfer funds from the General fund to the credit of the Alabama Special Educational Trust Fund.

Committee on Finance and Taxation.

By Mr. Parsons:

S. 57. To prohibit any person in the executive branch or in the legislative branch of government or any authority created by act of the Legislature or any of their relatives by blood or marriage within the fourth degree of kindred, from receiving any gain or profit, directly or indirectly, from the expenditure of any funds or monies from any permanent trust fund, interest bearing general obligation bonds, notes, or other evidences of indebtedness, bond issues or interest accrued or accruing, derived directly or indirectly by the state from the past and future dispositions of its rights in offshore oil, gas and other hydrocarbon minerals, pursuant to any legislation in the 1981 Third Special Session; to make certain exclusions; and to provide a penalty for violating the provisions of this Act.

Committee on Judiciary.

By Mr. White (with notice and proof):

S. 58. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred



thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 58, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hilliard:

S. 59. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration.

Committee on Governmental Affairs.

#### RESOLUTION

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. MOURNING THE DEATH OF MR. MILO BARRETT HOWARD, DIRECTOR OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY AND A DISTINGUISHED ALABAMIAN.

WHEREAS, it is with deep sadness and in great personal sorrow that the Alabama Legislature notes the death of Mr. Milo Barrett Howard of Montgomery, Alabama, on November 3, 1981, at the age of just 48 years; and

WHEREAS, a native and lifelong resident of Montgomery, Milo Howard was a member of pioneer families of that city; he was a descendant of Milo Barrett who was publisher of the Montgomery Advertiser in 1864-1865, and of Neill Blue whose home in 1825 was located on the site now occupied by the Alabama Department of Archives and History, the agency Mr. Howard was later to serve for almost three decades; and

WHEREAS, Milo B. Howard was a graduate of Montgomery's Sidney Lanier High School, and of Auburn University where he earned both his bachelors and masters degrees; it was as a student in 1952 that he first worked with the archives, joining the department as a permanent employee in 1958 to be named director in 1967; and

WHEREAS, truly a learned man, Milo Howard achieved national recognition as an archivist and was considered an expert in his primary fields of interest which were his beloved Southland and native Alabama; and

WHEREAS, he was a communicant of Montgomery's historic St. John's Episcopal Church and was a member of the Montgomery Rotary Club, Newcomen Society in North America, the Society of Pioneers, The Thirteen and the Alabama Academy of Honor; and

WHEREAS, Mr. Howard also served as State Historic Preservation Officer, Chairman of the Women's Hall of Fame Board, on the Governor's

Mansion Advisory Board and as treasurer of the Alabama Historical Commission; and

WHEREAS, as a scholar and a gentleman, Milo Howard was an individual of impeccable character, of uncompromising principles and of extraordinary ability; he was a distinguished Alabamian whose achievements and contributions in the field of historic preservation will remain unsurpassed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Milo Barrett Howard of Montgomery, Alabama, and extend our most heartfelt sympathy to his family with whom we share great sorrow, and to whom a copy of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 19. HONORING POSTHUMOUSLY MR. R. M. "BEN" TUCKER, EDITOR AND PUBLISHER OF THE CHILTON COUNTY NEWS, FOR HIS INDUCTION INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 19, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 7. NAMING WEEKS BAY PARK IN BALDWIN COUNTY, ALABAMA, THE "WILLIAM O. LOTT MEMORIAL PARK."

WHEREAS, in the early 1950's, Mr. William O. Lott of Mobile, and of Point Clear, Alabama, donated approximately two acres of land in Baldwin County to the State of Alabama; and

WHEREAS, the acreage which is located at the foot of Baldwin County Road 1, where Weeks Bay meets Mobile Bay, contains some 500 feet of bay frontage for boat launching, crabbing and fishing; and

WHEREAS, Mr. William O. Lott, who was born near Lott Ferry on the Cawtawpa River, was a prosperous Mobile businessman; he also was a generous and caring person who, in gratitude for his own good fortune, was moved to share with others the rewards of his success; and

WHEREAS, the Weeks Bay park is now undergoing extensive renovation to repair the ravages of Hurricane Frederic and it is entirely fitting that the park be named in honor of the distinguished Alabamian who so generously gifted this land to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and in memory, we hereby name and designate the Weeks Bay park located at the foot of Baldwin County Road 1, at the junction of Weeks and Mobile Bays in Baldwin County, Alabama, the "William O. Lott Memorial Park."

BE IT FURTHER RESOLVED, That the proper officials of the Alabama Department of Conservation are directed to erect and maintain appropriate signs and markers so designating said park as the "William O. Lott Memorial Park."

BE IT FURTHER RESOLVED, That the family of William O. Lott be notified of this honorary designation by copy of this resolution forwarded to Colonel William Blacksher Lott.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Gullledge, the Rules were suspended and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

#### H. J. R. 4. SETTING THE MEETING DAYS OF THE LEGISLATURE.

The Standing Committee on Rules reported the following amendment to the Resolution, H. J. R. 4, to-wit:

#### COMMITTEE AMENDMENT TO H. J. R. 4

Amend H. J. R. 4 by deleting the period at the end of the resolution and inserting the following ", and when we adjourn on Tuesday, November 10, we adjourn to meet again on Wednesday, November 11, 1981, and when we adjourn on Wednesday, November 11, we adjourn to meet again on Thursday, November 12, 1981.

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 4, as thus amended, was then concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan and Penry:

H. J. R. 18. COMMENDING MR. LEROY BRYANT ON HIS DISTINGUISHED CAREER AS A PUBLIC EDUCATOR.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 18, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 16. NAMING THE SUCARNOCHEE RIVER BRIDGE ON HIGHWAY 11, ENTERING THE CITY OF LIVINGSTON IN SUMTER COUNTY, ALABAMA, "FOOTS CROSSING."

WHEREAS, the Honorable Sam Massingill serves as probate judge of his native Sumter County; and

WHEREAS, a lifelong resident of his beloved home county, Judge Massingill is a prominent member of the community he has long served with dedication, and in the best interests of his fellow citizens; and

WHEREAS, for many years, Judge Massingill has been known as "Foots," a nickname that is now widely used throughout Sumter County, in affection and regard for an extraordinary man whose leadership has evolved through his responsible involvement in civic and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in appreciation for dedicated public service and achievement, we hereby name and designate the Sucarnochee River Bridge on Highway 11, entering the City of Livingston in Sumter County, Alabama, "Foots Crossing" in honor of the Honorable Sam "Foots" Massingill.

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bridge as "Foots Crossing."

RESOLVED FURTHER, That a copy of this resolution be sent to Judge Sam Massingill as a memento of this honorary designation of the Alabama Legislature.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Minus and Manley:

H. J. R. 15. NAMING THE JULIA TUTWILER BRIDGE ON ALABAMA HIGHWAY 39 WHICH SPANS THE TOMBIGBEE RIVER AT GAINESVILLE, ALABAMA, CONNECTING SUMTER AND GREENE COUNTIES, "THE JULIA TUTWILER-BARNES ADUSTON ROGERS BRIDGE."

WHEREAS, Mr. Barnes Aduston Rogers is a native and lifelong resident of Sumter County, Alabama, and is one of his community's most prominent and outstanding citizens; and

WHEREAS, long active in the affairs of his beloved home county, Mr. Rogers is held in deep affection and esteem for his responsible civic involvement and for his care and concern for the betterment and well-being of his community; and

WHEREAS, it is the desire of this body that fitting tribute be paid to an extraordinary man whose works and deeds have profoundly benefitted his fellow citizens, neighbors and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Julia Tutwiler Bridge on Alabama Highway 39 which spans the Tombigbee River at Gainesville, Alabama, connecting Sumter and Greene Counties, "The Julia Tutwiler-Barnes Aduston Rogers Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said bridge as "The Julia Tutwiler-Barnes Aduston Rogers Bridge."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Mr. Rogers as a memento of this honorary designation in tribute to his accomplishments and contributions on behalf of Sumter County and the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 15, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Owens, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 13. MOURNING THE DEATH OF MR. MILO BARRETT HOWARD, DIRECTOR OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY AND A DISTINGUISHED ALABAMIAN.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dixon:

H. J. R. 14. REQUESTING THE GOVERNOR TO CAUSE THE CAPITOL FLAG TO BE LOWERED TO HALF-MAST IN MOURNING FOR MILO BARRETT HOWARD.

WHEREAS, Milo Barrett Howard, Montgomery, Alabama, Director of the State Department of Archives and History died on November 3, 1981; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully request the Honorable Fob James to cause the Capitol Flag to be lowered to half-mast in mourning for Milo Barrett Howard.

#### HOUSE MESSAGE

On motion of Mr. Barron, the Rules were suspended and the Resolution, H. J. R. 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTION

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham,

Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. COMMENDING MR. JIM HOUSTON OF THE COLUMBUS LEDGER-ENQUIRER.

WHEREAS, Mr. Jim Houston, a native of Atlanta, Gerogia, is a 1969 graduate of the Henry W. Grady School of Journalism of the University of Georgia and a veteran newsmen of considerable experience in both television and journalism news; and

WHEREAS, following an association of 2½ years with WTVM-Television News in Columbus, Georgia, Mr. Houston joined the Columbus Ledger-Enquirer and in July 1978, was assigned to the paper's Montgomery Bureau; and

WHEREAS, for the next 3½ years, until his July 1981 transfer back to Columbus, Jim Houston covered the Alabama Legislature and the State Capitol for the Ledger-Enquirer, during which time he earned a solid reputation for complete and factual news reporting; and

WHEREAS, even though Mr. Houston is no longer in Montgomery, his Alabama alliance continues through the Ledger-Enquirer's circulation area in our State which encompasses Randolph, Chambers, Lee, Russell, Barbour, Pike, Bullock, Macon, Henry and Coffee Counties; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Jim Houston as an astute journalist, and as a news reporter of outstanding talent and ability.

BE IT FURTHER RESOLVED, That Mr. Houston receive a copy of this resolution, in token of our sincere, warm praise and high regard, with a copy also provided for Mr. Bill Brown, Executive Director of the Columbus Ledger-Enquirer.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Personnel Board.

Respectfully submitted,

BOB A. DAVIS,  
State Administrations Officer.

Done this 5th day of November, 1981.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. Frank McCorkle (replacing Mrs. Halycon Ballard)  
3011 Jasmine Road  
Montgomery, Alabama 36111

Term expires March 2, 1983

as a member of the State Personnel Board.

Respectively,

FOB JAMES,  
Governor.

Done this 5th day of November, 1981.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Personnel Board, was read and referred to the Standing Committee on Rules.

#### REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time placed on the calendar, to-wit:

By Mr. Barron:

S. 1. To provide salary increases for certain state employees and to appropriate funds therefor.

By Mr. Barron:

S. 2. To provide that any state employee who received a step increase limited under the provisions of Act 80-616, Regular Session 1980, shall be brought up to the normal step under the State Pay Plan.

By Mr. deGraffenried:

S. 8. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

By Mr. Harrison:

S. 10. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals



to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

By Mr. Callahan:

S. 13. To propose a constitutional amendment creating a reserve fund to be administered by the state treasurer under the direction of a select committee.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Gullledge:

S. 15. To amend section 36-17-3, Code of Alabama 1975, relating to the duties of the state treasurer, so as to further authorize the treasurer to deposit money and securities deposited with the state to be held in the vault of any bank in the state which is insured by the Federal Deposit Insurance Corporation and located in a federal reserve bank city.

By Messrs. Little and Higginbotham:

S. 17. To provide for a county salary supplement for the District Attorney of the 37th judicial circuit; to provide for the payment of such supplement out of county general funds; and to provide for an effective date.

By Messrs. Higginbotham and Little:

S. 20. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

By Mr. Callahan:

S. 21. To propose a constitutional amendment pledging interest accrued from the reserve fund to certain projects.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 39. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Britnell, Denton, Kirkland, Holmes, deGraffenried, Martin, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 41. To propose an amendment to the Constitution of Alabama of 1901 authorizing the Legislature to provide by law for the payment by the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family

residential property located in the State, and providing that, notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 42. To appropriate six million dollars (\$6,000,000) from certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Hall, Martin, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 43. To appropriate ten million dollars (\$10,000,000) from certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the support and encouragement of educational, agricultural and industrial activities involving basic and applied scientific research and development.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Britnell, Denton, Kirkland, Holmes, deGraffenried, Hall, Martin, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 44. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into the Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 45. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell

and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public works and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Kirkland, Holmes, deGraffenried, Martin, Keener, White, Lemaster, Bailey, Little, and Vacca:

S. 46. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be certain moneys derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

By Mr. Gulledge:

S. 47. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following

bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Kirkland, Holmes, Britnell, deGraffenried, Hall, Martin, Keener, White, Lemaster, Bailey, Little, and Vacca (With Amendments):

S. 40. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Teague, Proctor, Mitchem, St. John, Higginbotham, Denton, Britnell, Holmes, Kirkland, deGraffenried, Martin, Hall, Keener, White, Lemaster, Bailey, Little, and Vacca (With Amendment):

S. 38. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in

offshore oil, gas and other hydrocarbon minerals, create a board of trustees to manage such trust fund and prescribe the powers thereof, provide for the investment of moneys held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, and limit the liability of individual members of the board of trustees of such trust fund.

The above Bill was read a second time at length as required by the Constitution.

By Messrs. Mitchem, Miller, Robertson, and Denton (With Amendment):

S. 25. Relating to the eradication of brucellosis in livestock: To make an appropriation to the Department of Agriculture and Industries for the fiscal year 1981-1982 from the general fund into the agricultural fund; to indemnify owners of livestock for the value of any livestock ordered condemned and destroyed for the prevention of brucellosis in livestock.

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 7. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pike County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

The above Bill was read a second time at length as required by the Constitution.

By Mr. deGraffenried:

S. 16. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Denton and Britnell:

S. 11. To amend Section 28-3-74 (e) of the Code of Alabama 1975, to provide that when a county changes its status from a dry county to a wet county that such county will be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year. To further provide that a newly created municipality in a wet county shall be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year.

By Mr. Gullledge:

S. 14. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the

municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

By Messrs. Keener and Barron:

S. 37. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 18. To state the intent of the Legislature; to amend § 34-24-70 of the Code of Alabama, 1975, to state the qualifications required of applicants by examination or by reciprocity; to distinguish between graduates of colleges of medicine and colleges of osteopathy located in the United States or District of Columbia and other such graduates; to permit receipt of satisfactory evidence showing graduation in lieu of a diploma; to delete the requirement that a graduate of a foreign medical or osteopathic school complete a residency; to delete the requirement that a graduate of a foreign medical or osteopathic school be eligible to take the examination of an approved specialty board; to amend the requirement that a graduate of a foreign medical or osteopathic school be certified by the educational council for foreign medical graduates so that such graduate must only have received a passing grade on the written examination; to require that graduates of foreign medical or osteopathic schools complete at least one year of internship at a hospital approved by the board of medical examiners; to delete the provision of § 34-24-70 that relates to county licenses; to require graduates of foreign medical or osteopathic schools and graduates of medical or osteopathic schools located in the United States or District of Columbia who have not passed a specified written examination within the ten years immediately preceding the date of the application to successfully complete an oral examination; to exempt from such oral examination applicants who have been certified by an approved specialty board or who have passed a recertification examination given by an approved board within the same ten year period; and to provide rule making authority.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Martin (With Amendment):

S. 27. To amend Sections 22-12A-2, 22-12A-3 and 22-12A-6 of the Code of Alabama 1975, relating to the Perinatal Health Act and legislative intent, content and the use of funds generally, so as to further provide therefor and enunciate the legislative intent with respect to educational programs.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mitchem:

S. 23. To establish the Alabama Recreation Capital Development Assistance Fund Program; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational resources; and to provide for the administration of the Alabama Recreation Capital Development Fund Program by the Department of Conservation and Natural Resources.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Britnell and Denton (with notice and proof):

S. 12. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county and to provide for its retroactive effect.

By Mr. Keener (with notice and proof):

S. 29. To repeal Act No. 452, S. 663, approved August 20, 1973, Regular Session 1973 (Acts 1973, p. 639), entitled "An Act Relating to deputy district attorneys in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census."

By Mr. Keener (with notice and proof):

S. 30. Relating to Etowah County; to provide for deputy district attorneys for the county.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lemaster (with notice and proof) (With Amendment):

S. 31. Relating to DeKalb County, to provide for an advisory referendum to select one of two methods for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

By Mr. Little (with notice and proof) (With Amendment):

S. 48. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Holmes (With Amendment):

S. 5. To amend Act No. 81-665, H. 327, Regular Session 1981, which provides for the levy of a sales tax on the sale of any automotive vehicle, truck

trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama 1975, as amended on the storage, use or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981, for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semitrailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity so as to increase the fees for the collection of such tax.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mitchell (with notice and proof):

H. 29. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 29, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Mitchell (with notice and proof):

H. 30. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 30, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 47. Relating to Tuscaloosa County; amending Section 2 of Act No. 613, H. 1289, 1977 Regular Session (Acts 1977, p. 922), which relates to voter



registration and the duties and compensation of the county board of registrars; and repealing Sections 11 and 12 of said Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 47, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 29, 30, and 47. To the Committee on Local Legislation No. 1.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J) (with notice and proof):

H. 8. To authorize the Limestone County governing body to reimburse any officer or employee of the county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority from the general fund of the county; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this Act and to establish reasonable rules and regulations prescribing the conditions on which payments under this Act shall be made.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 8, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 38. Relating to Coffee County; providing for a referendum election to submit to the qualified electors of Coffee County the question whether the Coffee County Commission shall be authorized to levy and impose a county sales tax and a county use tax; providing for the authority of the Coffee County Commission to levy such taxes generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, respectively; providing certain additional exemptions from such taxes; specifying the rates at which those taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the proceeds of

those taxes if levied by the Coffee County Commission, and for the enforcement of this Act by the State Department of Revenue; providing for the termination of the taxes authorized to be levied hereunder; and prescribing penalties and fixing punishment for violations of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 38, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Cates and Wyatt (with notice and proof):

H. 50. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158 of the 1975 Regular Session (Acts 1975, p. 1563), fixing the issuance fee for pistol permits and providing for the distribution therefor, so as to increase such fee and prescribe that funds generated thereby be deposited in the county general fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 50, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 8, 38, and 50. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (J) (with notice and proof):

H. 6. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs

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incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the office of the Sheriff of Madison County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 7. Relating to Madison County; to provide for an additional expense allowance for the members of the jury commission of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 7, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Howard and Lewis (with notice and proof):

H. 13. To increase from fifty dollars per month to one hundred dollars per month the expense allowance received by certain Jefferson County officials in lieu of being provided an automobile by the County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 13, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hall (with notice and proof):

H. 20. To amend Act Number 81-753, relating to the boundary lines of the Town of New Hope, Alabama, as follows: To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 20, as required in the General Acts of Alabama, 1975 Act No. 919

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Riddick, Albright and Hall (with notice and proof):

H. 35. Relating to Madison County; providing for the county governing body to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 35, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 53. Relating to Covington County; to provide for a pistol permit fee, to provide for the disposition of such fees, and to specifically repeal Act No. 898, H. 1672, Regular Session 1971 (Acts 1971, p. 1662).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 53, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

*JOHN W. PEMBERTON,*  
*Clerk.*

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 6, 7, 20, 35, and 53. To the Committee on Local Legislation No. 1.

H. B. 13. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 25. Relating to Sumter County; to amend Sections 2, 3, 6 and 7 of Act No. 81-224, H. 140, Regular Session 1981 (Acts 1981, p. 298), relating to reidentification of registered voters, so as to provide further for such reidentification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 25, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 48. Relating to Bibb County; authorizing the county board of education to fix an expense allowance for the county superintendent of education in such amount as said board deems appropriate and providing that such expense allowance shall be in lieu of all other expense allowances heretofore provided for said superintendent.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 48, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Harper (O) and Turnham (with notice and proof):

H. 59. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the notice & proof is attached to the Bill, H. B. 59, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Bowling:

H. 68. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 25, 48, 59 and 68. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 68, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 7. NAMING WEEKS BAY PARK IN BALDWIN COUNTY, ALABAMA, THE "WILLIAM O. LOTT MEMORIAL PARK."

Also:

H. J. R. 13. MOURNING THE DEATH OF MR. MILO BARRETT HOWARD, DIRECTOR OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY AND A DISTINGUISHED ALABAMIAN.

Also:

H. J. R. 14. REQUESTING THE GOVERNOR TO CAUSE THE CAPITOL FLAG TO BE LOWERED TO HALF-MAST IN MOURNING FOR MILO BARRETT HOWARD.

Also:

H. J. R. 15. NAMING THE JULIA TUTWILER BRIDGE ON ALABAMA HIGHWAY 39 WHICH SPANS THE TOMBIGBEE RIVER AT GAINESVILLE, ALABAMA, CONNECTING SUMTER AND GREENE COUNTIES, "THE JULIA TUTWILER-BARNES ADUSTON ROGERS BRIDGE."

Also:

H. J. R. 16. NAMING THE SUCARNOCHEE RIVER BRIDGE ON HIGHWAY 11, ENTERING THE CITY OF LIVINGSTON IN SUMTER COUNTY, ALABAMA, "FOOTS CROSSING."

Also:

H. J. R. 18. COMMENDING MR. LEROY BRYANT ON HIS DISTINGUISHED CAREER AS A PUBLIC EDUCATOR.

Also:

H. J. R. 19. HONORING POSTHUMOUSLY MR. R. M. "BEN" TUCKER, EDITOR AND PUBLISHER OF THE CHILTON COUNTY NEWS, FOR HIS INDUCTION INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 49. To make a supplemental appropriation for salaries and other expenses for the use of the House of Representatives and the Alabama Senate for the fiscal year ending September 30, 1982, from the general fund of the state treasury.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 49. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cates, Manley, Dial, Pegues, Owens, Sasser, Carter, Warren, Ray, Daniels, Smith (C), Edwards, Grouby, McKee, Willis, Grimsley, Laird, Turner, Shoemaker, Hammett, Holley and Penry:

H. 37. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the Authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use and distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to repeal specifically Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 37. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 4. Relative to adjournment that when we adjourn on Tuesday, November 10, we adjourn to meet again on Wednesday, November 11, 1981, and when we adjourn on Wednesday, November 11, we adjourn to meet again on Thursday, November 12, 1981.

JOHN W. PEMBERTON,  
Clerk.

ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. Goodwin, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, November 10, 1981, at 2 o'clock P.M.

## FOURTH LEGISLATIVE DAY

TUESDAY, NOVEMBER 10, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Douglas Olive, Pastor, Dalraida Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.



H. J. R. 4. Relative to legislative meeting dates from Tuesday, November 3, 1981 through Thursday, November 12, 1981.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Harrison:

S. 60. To create an additional judgeship for the fifteenth judicial circuit of Alabama; to provide for the election of a judge to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the fifteenth judicial circuit of Alabama to seven; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Committee on Finance and Taxation.

By Mr. deGraffenried:

S. 61. To provide for executing "self proving" wills by the testator and affidavits of witnesses each before an officer authorized to administer oaths, and to provide the forms for the same.

Committee on Judiciary.

By Mr. Parsons:

S. 62. To amend section 41-17-1 of the Code of Alabama 1975, as amended, relating to standards for state owned motor vehicles so as to provide further for such standards.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 63. To further amend section 40-12-250 of the Code of Alabama 1975, as amended, relating to tags for state, county and municipal owned motor vehicles so as to provide further for such tags for state owned vehicles.

Committee on Governmental Affairs.

By Mr. Hall (with notice and proof):

S. 64. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969,

under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax year ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 64, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Messrs. Vacca, Holmes, Mitchem, Teague, Goodwin and White:

S. 65. To make a supplemental appropriation from the Alabama special educational trust fund to the Alabama Department of Youth Services for the fiscal year ending September 30, 1982, for the purposes of subsidizing in part certain regional juvenile detention centers and other purposes; and to state legislative intent.

Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Williams, Grimsley, Sasser, Daniels and Carothers.

H. J. R. 25. HONORING DR. NATHAN L. HODGES ON HIS APPOINTMENT AS PRESIDENT OF GEORGE C. WALLACE STATE COMMUNITY COLLEGE.

Also:

By Rep. Williams:

H. J. R. 26. COMMENDING MR. JOHNNY CHILDS OF CLAYHATCHEE, ALABAMA, FOR EXTRAORDINARY BRAVERY.

Also:

By Reps. Minus and Amari:

H. J. R. 27. PRAISING THE FEARLESS RIVER RAFTERS.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolutions, H. J. R.'s 25 and 26, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 27, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Pegues and Edwards:

H. J. R. 24. COMMENDING ORGANIZATIONS AND INDIVIDUALS PARTICIPATING IN THE RETURN OF A SELMA MANUFACTURED BROOKE CANNON TO THE CITY OF ITS MANUFACTURE.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 24, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Albright, Hall, Smith (M), Riddick and Smith (J):

H. J. R. 21. COMMENDING MR. BILL KLING, JR., FOR OUTSTANDING ACHIEVEMENT IN RADIO BROADCASTING.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Smith, the Rules were suspended and the Resolution, H. J. R. 21, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. ACKNOWLEDGING, AND ENCOURAGING THE OBSERVANCE OF NATIONAL VETERANS DAY.

WHEREAS, National Veterans Day was conceived and first celebrated in Birmingham, Alabama in 1947 and has since been annually set aside to

honor our nation's veterans who have fought for our freedom and for the independence we have treasured for more than 200 years; and

WHEREAS, on Veterans Day, 1981, to be nationally observed Wednesday, November 11, we once again freely acknowledge our debt to the thousands of men and women of our armed forces who served and sacrificed on our behalf; and

WHEREAS, our country's continued strength has come from the strength of those who answered the call of duty when sounded and those who responded with courage, served in honor and even died that our nation might flourish; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge Veterans Day, 1981 as a memorial to those who have served to protect our freedom, and call upon all Alabamians to support the observance of November 11 as a national day of honor for our country's veterans by displaying the flag of our United States with grateful pride and thanksgiving.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. AMENDING S. J. R. 19, ACT NO. 81-954, 1981 FIRST SPECIAL SESSION, RELATING TO INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 19, Act No. 81-954, 1981 First Special Session is hereby amended to read as follows:

"There is hereby created a joint interim committee to be composed of seven members of the House of Representatives and seven members of the Senate, appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance and allocation of Federal Block Grants.

"Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the twentieth legislative day of the 1982 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$47,000."

Which was read and referred to the Standing Committee on Rules.

Mr. Lemaster offered the following Senate Resolution, to-wit:

S. R. 10. COMMENDING THE REVEREND O'NEAL N. FRANKS OF ALBERTVILLE, ALABAMA.

Which was adopted.

Messrs. Mitchem, St. John, and Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. DESIGNATING A PORTION OF U.S. HIGHWAY 78 "GEORGE LINDSEY HIGHWAY".

WHEREAS, George "Goober" Lindsey was born and raised in the City of Jasper, Alabama; and

WHEREAS, George "Goober" Lindsey, through his philanthropic efforts, was largely responsible for the financing of the George Lindsey Aquatic Center at Partlow State School in Tuscaloosa, Alabama; and

WHEREAS, George "Goober" Lindsey has raised and donated over \$26,000 to the Alabama Association of Retarded Citizens through benefit performances; and

WHEREAS, George "Goober" Lindsey will be celebrating the tenth anniversary of the "George Lindsey Celebrity Golf Weekend" in 1982, having raised over \$500,000 to support athletic and physical fitness programs that have benefitted thousands of Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all that portion of U.S. Highway 78 from the western Jasper City limits at mile post 57.90 east to the eastern city limits at mile post 65.38 in Jasper, Alabama, is designated as the "George Lindsey Highway," and that the State Highway Department is authorized to erect and maintain appropriate signs or markers designating this portion of highway as above provided.

RESOLVED FURTHER, That the President of the Senate shall cause a copy of this resolution be sent to Mr. George "Goober" Lindsey.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchem then offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. HONORING KIWANIS CLUBS IN ALABAMA.

WHEREAS, Alabama Special Olympics is a vital program providing sports training, physical fitness, and athletic competition to 20,000 mentally and physically handicapped special children in Alabama; and

WHEREAS, the Kiwanis Clubs in Alabama have been assisting the Special Olympics program for over five years since the Kiwanis State Convention unanimously pledged its support in Gadsden in 1976; and

WHEREAS, as the Kiwanis Clubs in Alabama are essential to the civic programs in local communities as well as on the state level, the Alabama Legislature would like to recognize the Kiwanis Clubs in Alabama for their outstanding leadership and service to the Special Olympics; and

WHEREAS, the Kiwanis Clubs have been providing manpower and serving as "Official Hosts" for the George "Goober" Lindsey Celebrity Golf Tournament in excess of five years; and

WHEREAS, the Kiwanis Club of Montgomery has been the coordinating club in these activities and has provided the leadership in working with the Kiwanis Clubs across the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in humble gratitude and profound respect, we hereby most highly commend the Kiwanis Clubs in Alabama for the vital service they have provided for this extraordinary and deserving program for God's special children.

RESOLVED FURTHER, That the President of the Senate shall cause a copy of this resolution be sent to the State Governor of the Alabama Kiwanis Clubs.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Mitchem then offered the following Senate Resolution, to-wit:

S. R. 13. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATING TO S. B. 46.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following constitutional questions which have arisen concerning the pending bill S. B. 46, a copy of which is attached to this resolution and made a part hereof by reference:

(1) Whether the appropriation of the funds by, and the use thereof for the purposes set forth, in Senate Bill No. 46 are invalid under Section 93 of the Constitution of Alabama of 1901, as amended, as authorizing the State (i) to engage in works of internal improvement or to lend money or its credit in aid of such, or (ii) to be interested in any private or corporate enterprise, or (iii) to lend money or its credit to any individual, association or corporation?

(2) Will the appropriation of the said funds by, and the use thereof for the purposes stated in, the said Senate Bill No. 46 result in bonds issued by the said Authority with respect to which the appropriation contained in Senate Bill 46 is made being deemed an indebtedness of the State under Section 213 of the Constitution of Alabama of 1901, as amended?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, S. B. 46, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING

The Bill:

S. 12. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county and to provide for its retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:  
Bailey

Britnell  
Cook

Denton  
Glass

Goodwin  
Gulledge

THIRD EXTRAORDINARY SESSION  
4th Day

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Hall	Little	Proctor	Teague	
Hilliard	Martin	St. John	Vacca	
Holmes	Miller	Smith	Weeks	
Keener	Mitchem	Taylor	White	
Kirkland	Parsons			—25

*Nays:* —0

The Bill:

S. 29. To repeal Act No. 452, S. 663, approved August 20, 1973, Regular Session 1973 (Acts 1973, p. 639), entitled "An Act Relating to deputy district attorneys in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 30. Relating to Etowah County; to provide for deputy district attorneys for the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 48. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a

part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 48, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 48

On page 2, on lines 13 and 14 delete the words "hearing before the county governing body is to requested by such owners" and insert in lieu thereof:

a hearing is requested by such owners before the county governing body

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

*Nays:* —0

And said Bill, S. B. 48, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs:	Glass	McDonald	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

*Nays:* —0

The Bill:

S. 20. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



THIRD EXTRAORDINARY SESSION  
4th Day

55

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	St. John
Callahan	Hall	Lemaster	Taylor
Cook	Higginbotham	Little	Teague
deGraffenried	Holmes	McDonald	Vacca
Glass	Keener	Robertson	White
Goodwin			

—20

*Nays:* —0

The Bill:

S. 17. To provide for a county salary supplement for the District Attorney of the 37th judicial circuit; to provide for the payment of such supplement out of county general funds; and to provide for an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Taylor
Callahan	Higginbotham	Martin	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Robertson	White
Goodwin	Kirkland	St. John	

—18

*Nays:* —0

The Bill:

S. 8. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Harrison	Mitchem	Smith
Callahan	Holmes	Pearson	Taylor
deGraffenried	Keener	Proctor	Teague
Glass	Little	Robertson	Weeks
Hall	Martin	St. John	White

—19

*Nays:* —0

The Bill:

S. 31. Relating to DeKalb County, to provide for an advisory referendum to select one of two methods for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Author-

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, S. B. 31, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 31

On page 1, in Section 1, on line 18 and 19 delete the words "primary, general, or special election." and insert in lieu thereof:

primary election held in September 1982.

On page 2, on lines 10 and 11, delete Section 4 in its entirety and insert in lieu thereof:

Section 4. This act shall become effective October 1, 1982.

On motion of Mr. Mitchem, said amendment was laid on the table.

Mr. Mitchem then offered the following amendment to the Bill, S. B. 31, to-wit:

#### AMENDMENT TO S. B. 31

On page 1, on lines 18 and 19, delete the phrase ", general, or special election." and insert in lieu thereof:

election in September 1982.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25

*Nays:* —0

Mr. Lemaster offered the following amendment to the Bill, S. B. 31, as amended, to-wit:

#### AMENDMENT TO S. B. 31, AS AMENDED

Amend Senate Bill No. 31 Page 1 Line 32, by striking out the comma after the word county, and add (on a per pupil basis,)

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	Denton	Goodwin
Bailey	Callahan	Figures	Hall
Barron	Cook	Glass	Holmes

THIRD EXTRAORDINARY SESSION  
4th Day

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Keener	Mitchem	Smith	Vacca	
Lemaster	Pearson	Taylor	Weeks	
Little	Proctor	Teague	White	
McDonald	St. John			—25
<i>Nays:</i>				—0

And said Bill, S. B. 31, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25
<i>Nays:</i>				—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 14. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fourth legislative day of the third Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 18	22	Req. for foreign med. graduates to obtain lic. in AL
S. B. 15	4	Duties of State Treasurer
S. B. 7	18	To change the charges & costs and court in Pike County
S. B. 10	3	
S. B. 11	20	ABC system
S. B. 46	13	Relates to Alabama Housing Finance Auth.
S. B. 41	7	Mental Health, Board of Corrections fund transfer
S. B. 39	6	AL Housing Finance Auth, restriction
S. B. 40	14	Oil and Gas Money Bonds
S. B. 45	11	Oil and Gas Money Bonds
S. B. 38	17	Oil and Gas money trust fund, monitor

S. B. 44	9	Mental Health, Board of Corrections, funds
S. B. 43	8	Scientific Research & Dev. Programs
S. B. 42	8	Counties, Reimbursent for housing pris.

On motion of Mr. McDonald, said Resolution was then adopted by the Senate.

#### REPORTS OF COMMITTEES

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. White and Cook (with notice and proof):

S. 19. To establish the salaries for the following officers of Jefferson County, Alabama: The President of the County Commission, the two associate County Commissioners and the Sheriff; and to provide that the salaries as fixed by this Act shall take effect at the beginning of the next terms of office of said officers and the beginning of each term of office of said officers thereafter.

By Mr. White (with notice and proof):

S. 58. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

By Reps. Howard and Lewis (with notice and proof):

H. 13. To increase from fifty dollars per month to one hundred dollars per month the expense allowance received by certain Jefferson County officials in lieu of being provided an automobile by the County.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Bowling:

H. 68. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Harper (O) and Turnham (with notice and proof):

H. 59. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a

part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Hammett (with notice and proof):

H. 53. Relating to Covington County; to provide for a pistol permit fee, to provide for the disposition of such fees, and to specifically repeal Act No. 898, H. 1672, Regular Session 1971 (Acts 1971, p. 1662).

By Reps. Cates and Wyatt (with notice and proof):

H. 50. Relating to Crenshaw County; amendment Sections 1 and 2 of Act No. 775, S. 158 of the 1975 Regular Session (Acts 1975, p. 1563), fixing the issuance fee for pistol permits and providing for the distribution therefor, so as to increase such fee and prescribe that funds generated thereby be deposited in the county general fund.

By Rep. Owens (with notice and proof):

H. 48. Relating to Bibb County; authorizing the county board of education to fix an expense allowance for the county superintendent of education in such amount as said board deems appropriate and providing that such expense allowance shall be in lieu of all other expense allowances heretofore provided for said superintendent.

By Rep. Owens (with notice and proof):

H. 47. Relating to Tuscaloosa County; amending Section 2 of Act No. 613, H. 1289, 1977 Regular Session (Acts 1977, p. 922), which relates to voter registration and the duties and compensation of the county board of registrars; and repealing Sections 11 and 12 of said Act.

By Rep. Mitchell (with notice and proof):

H. 30. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

By Rep. Mitchem (with notice and proof):

H. 29. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

By Rep. Minus (with notice and proof):

H. 25. Relating to Sumter County; to amend Sections 2, 3, 6 and 7 of Act No. 81-224, H. 140, Regular Session 1981 (Acts 1981, p. 298), relating to reidentification of registered voters, so as to provide further for such reidentification.

By Mr. St. John:

S. 51. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Keener (with notice and proof):

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

By Mr. Proctor (with notice and proof):

S. 6. To alter, rearrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Mr. Vacca, Chairman of the Standing Committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pearson and Hall (with notice and proof):

S. 26. To establish the salary for the Sheriff of Jefferson County, Alabama: and to provide that the salary as fixed by this Act shall take effect at the beginning of the next term of office of said officer and the beginning of each term of office of said officer thereafter.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Smith (J) (with notice and proof):

H. 6. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the office of the Sheriff of Madison County, Alabama.

By Rep. Smith (J) (with notice and proof):

H. 7. Relating to Madison County; to provide for an additional expense allowance for the members of the jury commission of said county.

By Rep. Smith (J) (with notice and proof):

H. 8. To authorize the Limestone County governing body to reimburse any officer or employee of the county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority from the general fund of the county; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing

or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this Act and to establish reasonable rules and regulations prescribing the conditions on which payments under this Act shall be made.

By Rep. Hall (with notice and proof):

H. 20. To amend Act Number 81-753, relating to the boundary lines of the Town of New Hope, Alabama, as follows: To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

By Reps. Riddick, Albright and Hall (with notice and proof):

H. 35. Relating to Madison County; providing for the county governing body to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Waggoner, Olive, Gafford, Lewis, Bennett and Boles (with notice and proof):

H. 39. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 39, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Gafford, Trammell, Olive, Waggoner and Bennett (with notice and proof):

H. 42. To establish the salary for the Sheriff of Jefferson County, Alabama; and to provide that the salary as fixed by this Act shall take effect at the beginning of the next term of office of said officer and the beginning of each term of office of said officer thereafter.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 42, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 43. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 43, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Horn (with notice and proof):

H. 61. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 61, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 5. Relating to Marion County; amending Section 1 of Act No. 108, H. 78, 1978 Regular Session (Acts 1978, p. 1825), relating to an additional expense allowance for members of the county board of education, so as to increase the amount of such allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 5, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harvey (with notice and proof):

H. 82. To authorize the Blount County Commission to provide protection against forest fires within the county to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 82, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 39, 42, 43, and 61. To the Committee on Local Legislation No. 2.

H. B.'s 5 and 82. To the Committee on Local Legislation No. 1.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 18. To state the intent of the Legislature; to amend § 34-24-70 of the Code of Alabama, 1975, to state the qualifications required of applicants by examination or by reciprocity; to distinguish between graduates of colleges of medicine and colleges of osteopathy located in the United States or District of Columbia and other such graduates; to permit receipt of satisfactory evidence showing graduation in lieu of a diploma; to delete the requirement that a graduate of a foreign medical or osteopathic school complete a residency; to delete the requirement that a graduate of a foreign medical or osteopathic school be eligible to take the examination of an approved specialty board; to amend the requirement that a graduate of a foreign medical or osteopathic school be certified by the educational council for foreign medical graduates so that such graduate must only have received a passing grade on the written examination; to require that graduates of foreign medical or osteopathic schools complete at least one year of internship at a hospital approved by the board of medical examiners; to delete the provision of § 34-24-70 that relates to county licenses; to require graduates of foreign medical or osteopathic schools and graduates of medical or osteopathic schools located in the United States or District of Columbia who have not passed a specified written examination within the ten years immediately preceding the date of the application to successfully complete an oral examination; to exempt from such oral examination applicants who have been certified by an approved specialty board or who have passed a recertification examination given by an approved board within the same ten year period; and to provide rule making authority.

And said Bill, S. B. 18, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
deGraffenried	Higginbotham	Mitchem	Weeks
Denton	Holmes	Pearson	White
Goodwin			

—20

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holmes (with notice and proof):

H. 56. Relating to Montgomery County; to provide an additional expense allowance for the members of the Board of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 56, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 85. Relating to Escambia County, providing for the payment of one-third of the moneys received by Escambia County under the provisions of Act No. 2, General Acts 1945, page 20, and under Act No. 2057, General Acts 1971, page 3317 (Sections 40-20-1 through 40-20-13, 1975 Code of Alabama) to the Escambia County Board of Education; to provide for its use; to provide a method for its distribution; and to repeal Local Act No. 344, Acts of Alabama 1953, page 407, Local Act No. 883, Acts of Alabama 1978, page 1312, Local Act No. 612, Acts of Alabama 1978, page 869, and Local Act No. 894, Acts of Alabama 1978, page 1330, and all other acts in conflict.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 85, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 88. Relating to the practice of barbering in Escambia County; to regulate further the training and licensing of barbers and conditions under which barbers and cosmetologists may work in such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 88, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 56, 85, and 88. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cates and Wyatt (with notice and proof):

H. 51. Relating to the method of giving notice of the procedure for service of summoning witnesses and summons and complaints in Crenshaw County so that such service and subpoenas may be by United States mail in the county under certain conditions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 51, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Lewis, Jackson, Bennett and Howard (with notice and proof):

H. 10. Relating to Jefferson County in regard to establishing the salary of the Deputy Probate Judge.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 10, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 51. To the Committee on Local Legislation No. 1.

H. B. 10. To the Committee on Local Legislation No. 2.

BILLS ON THIRD READING RESUMED

The Bill:

S. 15. To amend section 36-17-3, Code of Alabama 1975, relating to the duties of the state treasurer, so as to further authorize the treasurer to deposit money and securities deposited with the state to be held in the vault of any bank in the state which is insured by the Federal Deposit Insurance Corporation and located in a federal reserve bank city.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:  
Britnell

Callahan  
deGraffenried

Denton  
Goodwin

Gulledge  
Harrison

Holmes	Martin	Proctor	Vacca	
Keener	Miller	St. John	Weeks	
Kirkland	Mitchem	Smith	White	
Little	Pearson	Taylor		—22
<i>Nays:</i>				—0

The Bill:

S. 7. Proposing an amendment to the Constitution of 1901 authorizing the legislature, from time to time, to change the charges and costs of court in Pike County and to place certain officials on salary or otherwise change the method or basis of compensation and disposition of the charges or changes in court costs.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Holmes	Miller	Smith	
Callahan	Keener	Mitchem	Taylor	
Denton	Kirkland	Parsons	Teague	
Goodwin	Lemaster	Proctor	Vacca	
Gulledge	Little	Robertson	Weeks	
Harrison	Martin	St. John	White	
Higginbotham				—24
<i>Nays:</i>				—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 3. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Also:

By Rep. Smith (J):

H. 15. To amend Section 1 of Act No. 81-967 of the first special session of the Alabama Legislature in 1981 by further amending § 43-3-10 Code of Alabama 1975, which provides for descent and distribution of personalty.

Also:

By Rep. McKee:

H. 34. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 3 and 15. To the Committee on Judiciary.

H. B. 34. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Biddle, Willis, Carter, Roberts, McMillan, Warren, Ray and Ward:

H. 1. To establish a lifetime resident hunting license, a lifetime resident fishing license, and a combination lifetime resident hunting and fishing license; to provide for the deposit of the proceeds into a special account in the Game and Fish Fund, to be called the Alabama Game and Fish Endowment Fund, and to prescribe the manner in which said account will be administered.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Amari and Bennett:

H. 22. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 22. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Moore, Shoemaker, Owens, Dial, Roberts, Carter, Venable, McMillan, Harper (T), Cabaniss, Bedsole, Hall, Cosby, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. B. 79. To amend Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982, to extend said date until December 31, 1983.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 79. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 21. COMMENDING MR. BILL KLING, JR., FOR OUTSTANDING ACHIEVEMENT IN RADIO BROADCASTING.

Also:

H. J. R. 24. COMMENDING ORGANIZATIONS AND INDIVIDUALS PARTICIPATING IN THE RETURN OF A SELMA MANUFACTURED BROOKE CANNON TO THE CITY OF ITS MANUFACTURE.

Also:

H. J. R. 25. HONORING DR. NATHAN L. HODGES ON HIS APPOINTMENT AS PRESIDENT OF GEORGE C. WALLACE STATE COMMUNITY COLLEGE.

Also:

H. J. R. 26. COMMENDING MR. JOHNNY CHILDS OF CLAY-HATCHEE, ALABAMA, FOR EXTRAORDINARY BRAVERY.

Also:

H. J. R. 27. PRAISING THE FEARLESS RIVER RAFTERS.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 10. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yes 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	Miller	Taylor
Callahan	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Goodwin	Kirkland	Proctor	White

—23

*Nays:*

—0

On motion of Mr. Kirkland, his name as well as the names of Messrs. Cook, Martin, Keener, Holmes, Goodwin, Little, Mitchem, and Britnell were added as co-sponsors of the above Bill, S. B. 10.

RESOLUTION

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. NURSING HOME REIMBURSEMENT REGULATION.

WHEREAS, the Alabama Medicaid Agency, State of Alabama, has drafted for implementation January 1, 1982, a new Nursing Home Reimbursement Regulation, and

WHEREAS, this planned Nursing Home Reimbursement Regulation affects the state Medicaid program, the ability of providers to offer adequate nursing home care to the general population, particularly the elderly, of Alabama, and

WHEREAS, the planned Nursing Home Reimbursement Regulation would go into effect on January 1, 1982, without input and/or approval of the Legislature of Alabama, and

WHEREAS, the ability of the State of Alabama to provide adequate and effective care for its elderly and infirmed citizenry could be affected adversely by the implementation of said Nursing Home Reimbursement Regulation, and

WHEREAS, it is incumbent upon the Legislature of Alabama to protect the taxpaying citizens of our state and to assure that adequate and cost effective services are provided under the State's several programs,

NOW, THEREFORE BE IT RESOLVED that the Legislature of the State of Alabama does hereby petition the Governor to direct that the planned Nursing Home Reimbursement Regulation, Chapter 22 of the Alabama Medicaid Regulation, scheduled to go into effect as of January 1, 1982, be suspended and implementation be withheld pending legislative review,

AND BE IT FURTHER RESOLVED that the Joint legislative Medicaid Committee be directed to appoint a sub-committee to study implementation of the new Nursing Home Reimbursement Regulation and report to the legislature prior to the 5th legislative day of the 1982 regular session.

AND BE IT FURTHER RESOLVED that the Alabama Medicaid Agency shall withhold implementation of said new Nursing Home Reimbursement Regulation until legislative review has been completed, and that existing Nursing Home Reimbursement regulations shall remain in force until legislative review is completed and recommendations received and implemented.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

S. 11. To amend Section 28-3-74 (e) of the Code of Alabama 1975, to provide that when a county changes its status from a dry county to a wet county that such county will be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year. To further provide that a newly created municipality in a wet county shall be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Proctor
Bailey	Gulledge	Little	St. John
Britnell	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks

—23

Nays:

—0

The Bill:

S. 46. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be certain moneys derived by



the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

Mr. Parsons offered the following amendment to the Bill, S. B. 46, to-wit:

AMENDMENT TO S. B. 46

On page 4, Section 4, in line 12 after the period insert (a)  
and after line 22 add the following:

(b) The monies herein appropriated shall be disbursed only after final passage into law of a bill amending Act No. 80-585, S. 357 (Acts 1980, Regular Session, p. 899, establishing the Alabama Housing Finance Authority), during the Third Special Session 1981, which bill provides for the equitable distribution of all Alabama Finance Authority funds among the several counties of the state.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Rains and Stout (with notice and proof):

H. 31. Relating to DeKalb County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 31, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 31. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Roberts, Carter, Sandusky, Venable, McMillan, Harper (T), Cabaniss, Bedsole, Hall, Cosby, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. 73. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending

September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 73. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Moore, Shoemaker, Roberts, Carter, Sandusky, Venable, McMillan, Harper (T), Cabaniss, Bedsole, Cosby, Mitchell, Minus, Owens, Hall, Pegues, Starkey, Smith (J) and Penry:

H. 77. To propose an amendment to the Constitution of Alabama of 1901 which will authorize the Legislature to provide by law for the payment by the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family residential property located in the State, which will provide that, notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement, and which will provide that such amendment shall have no further force and effect after December 31, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 77. To the Committee on Finance and Taxation.

(The above Bill was read a first time at length as required by the Constitution.)

FURTHER CONSIDERATION OF S. B. 46

The Senate proceeded to further consideration of the Bill, S. B. 46. The question was on the amendment offered by Mr. Parsons.

And said amendment was then adopted.

Yeas 24; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Keener	Parsons
Bailey	Gulledge	Lemaster	Proctor
Barron	Hall	Little	Robertson
Britnell	Harrison	Martin	St. John
Callahan	Higginbotham	McDonald	Teague
deGraffenried	Holmes	Mitchem	Vacca
Glass			—24

*Nay:* Mr. Smith. —1

RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. J. R. 16. MOURNING THE DEATH OF MR. RICHARD RABB OF EVERGREEN, ALABAMA.

Which was adopted.

Mr. Pearson offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. AMENDING S. J. R. 19, ACT NO. 81-954, 1981 FIRST SPECIAL SESSION, RELATING TO INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 19, Act No. 81-954, 1981 First Special Session is hereby amended to read as follows:

There is hereby created a joint interim committee to be composed of members of the Senate Finance and Taxation Committee, members of the House Ways and Means Committee and four members of the Senate, Senator Chip Bailey and Senator Charles Martin and two other members of the Senate appointed by the Lieutenant Governor, and four members of the House, Representative Tony Harrison and Representative Martha Jo Smith and two other House members appointed by the Speaker of the House. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance and allocation of Federal Block Grants.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the twentieth (20th) legislative day of the 1982 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed

by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

Any subcommittee created pursuant to this resolution shall include the Select Joint Committee to Study the State Medicaid Programs created by S. J. R. 172, Act 79-816, 1979 Special Session of the Legislature.

On motion of Mr. Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Kirkland and Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. CONGRATULATING MISS SUE A. BELL OF EVERGREEN, ALABAMA, UPON HER APPOINTMENT AS DISTRICT JUDGE IN CONECUH COUNTY.

WHEREAS, it is in pleased concurrence that the Alabama Legislature notes the recent appointment, by Governor Fob James, of Miss Sue A. Bell of Evergreen, Alabama, as District Judge of the 35th Judicial Circuit in Conecuh County; and

WHEREAS, Miss Bell is a native and lifelong resident of her community, a descendant of a succession of generations before her who also were born and reared in Conecuh County; and

WHEREAS, Miss Bell, who first attended Asbury College in Wilmore, Kentucky, is a graduate of the University of Alabama, and of the University's School of Law in 1981, where she was on the Dean's List, was S.G.A. Senator, and a member of Phi Alpha Theta Honorary; she also was the History Department's top graduate in the Class of 1978 and served as secretary-treasurer of the Pre-legal Society; and

WHEREAS, her numerous honors and affiliations include the Moot Court Board, Bench and Bar Legal Honor Society, Phi Delta Phi which she served as secretary, Farrah Law Society, Trial Advocacy Association, S.B.A. committee chairman, and participation in the Senior Prosecutors Training Program; and

WHEREAS, she has served as legal research assistant for Professor William Chandler, interned with the District Attorney for Tuscaloosa County, served as law clerk for the Tuscaloosa County Attorney, worked on special projects for an attorney in the private practice of law and completed the Legal Services Consortium Workshop; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Sue A. Bell of Evergreen, Alabama, on her outstanding professional qualifications and experience and direct that a copy of this resolution be provided for presentation during the forthcoming oath of office ceremonies soon to be held for Miss Bell.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

#### FURTHER CONSIDERATION OF S. B. 46

The Senate proceeded to further consideration of the Bill, S. B. 46, as amended.

Mr. Teague offered the following amendment to the Bill, S. B. 46, as amended, to-wit:

AMENDMENT TO S. B. 46, AS AMENDED

Amend the bill in the Synopsis, page 1, on line 13 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in the Title, page 1, on line 24 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 1, page 2, on line 17 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 1, page 2, on line 37 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 2, page 3, on line 13 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 5, page 4, on line 25 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Harrison	Martin	St. John
Bailey	Higginbotham	Miller	Smith
Barron	Holmes	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
deGraffenried	Kirkland	Pearson	Vacca
Denton	Lemaster	Proctor	Weeks
Goodwin	Little	Robertson	White
Gulledge			—28

Nays: —0

And said Bill, S. B. 46, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Glass	Kirkland	Proctor	White
Goodwin	Lemaster	Robertson	—30

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 41. To propose an amendment to the Constitution of Alabama of 1901 authorizing the Legislature to provide by law for the payment by the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family residential property located in the State, and providing that, notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement.

was read a third time at length as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

Yeas 32; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Glass	Lemaster	Proctor	White
Goodwin			—32

*Nays:* —0

The Bill:

S. 39. To repeal Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Finance Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Proctor	White
Glass	Kirkland	Robertson	—30

*Nays:* —0

Mr. Teague was granted unanimous consent to bring up the Bill:

S. 44. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764

enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

And said Bill, S. B. 44, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Proctor	White
Glass	Kirkland		

—29

*Nays:* —0

Mr. Teague was then granted unanimous consent to bring up the Bill:

S. 42. To appropriate six million dollars (\$6,000,000) from certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

#### ADJOURNMENT

At 6 o'clock P.M., on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S B. 42, the Senate adjourned until Wednesday, November 11, 1981, at 12:30 P.M.

## FIFTH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 11, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by Mr. Charles Moore, Deacon, Hall Memorial Christian Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Glass	Kirkland	Proctor	

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## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Figures for today.

## INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:



By Mr. Smith:

S. 66. To amend Section 7 of Act No. 81-721, H. 769 of the 1981 Regular Session (Acts 1981, page 1227) which authorizes the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels, so as to grant the authority the power to convey to any private corporation for fair market value any real, personal or mixed property necessary or convenient to the authority in the performance of its duties.

Committee on Governmental Affairs.

By Mr. Parsons:

S. 67. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

Committee on Finance and Taxation.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 19. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the third Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 27	23	Perinatal Health Act, leg. intent
S. B. 40	14	Oil & Gas Money, bonds
S. B. 45	11	Oil & Gas Money, bonds
S. B. 38	17	Oil & Gas, trust fund, monitor
S. B. 43	8	Scientific Res. & Dev. Program

On motion of Mr. Harrison, said Resolution was adopted by the Senate.

### BILLS ON THIRD READING

The Bill:

H. 68. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

was read a third time at length, as required by the Constitution, and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Holmes	Miller	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 59. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Hilliard	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
Denton	Kirkland	Proctor	White	
Glass	Little			—25

*Nays:* —0

The Bill:

H. 53. Relating to Covington County; to provide for a pistol permit fee, to provide for the disposition of such fees, and to specifically repeal Act No. 898, H. 1672, Regular Session 1971 (Acts 1971, p. 1662).

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 50. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158 of the 1975 Regular Session (Acts 1975, p. 1563), fixing the

THIRD EXTRAORDINARY SESSION  
5th Day

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issuance fee for pistol permits and providing for the distribution therefor, so as to increase such fee and prescribe that funds generated thereby be deposited in the county general fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	Miller	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
deGraffenried	Kirkland			—25

*Nays:* —0

The Bill:

H. 48. Relating to Bibb County; authorizing the county board of education to fix an expense allowance for the county superintendent of education in such amount as said board deems appropriate and providing that such expense allowance shall be in lieu of all other expense allowances heretofore provided for said superintendent.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
deGraffenried	Kirkland	St. John	White	
Glass	Little			—25

*Nays:* —0

The Bill:

H. 30. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
				—25

*Nays:*

—0

The Bill:

H. 29. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Pearson	Vacca
Cook	Lemaster	Proctor	Weeks
deGraffenried	Little	Robertson	White
Glass	Martin		

—25

*Nays:*

—0

The Bill:

H. 25. Relating to Sumter County; to amend Sections 2, 3, 6 and 7 of Act No. 81-224, H. 140, Regular Session 1981 (Acts 1981, p. 298), relating to reidentification of registered voters, so as to provide further for such reidentification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Robertson	White
deGraffenried	Little		

—25

*Nays:*

—0

The Bill:

S. 51. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

was read a third time at length, as required by the Constitution, and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	McDonald	St. John
Bailey	Hall	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Britnell	Keener	Parsons	Vacca
Cook	Lemaster	Pearson	Weeks
Denton	Little	Proctor	White
Glass	Martin		

—25

*Nays:* —0

The Bill:

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

was taken up.

Mr. Keener offered the following amendment to the Bill, S. B. 28, to-wit:

AMENDMENT TO S. B. 28

Amend Senate Bill No. 28 Page 1 Line 17, by inserting the words "Effective January 1, 1982," immediately after the words and number "Section 1."

and by inserting the words "Effective January 1, 1982," immediately after the words and number "Section 2." on line 20.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
deGraffenried	Little		

—25

*Nays:* —0

And said Bill, S. B. 28, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

*Nays:* —0

The Bill:

S. 6. To alter, rearrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Hilliard	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
Denton	Lemaster	Proctor	White	
Glass	Little			—25

*Nays:*

—0

The Bill:

H. 6. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the office of the Sheriff of Madison County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	Smith	
Barron	Gulledge	McDonald	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Hilliard	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

*Nays:*

—0

The Bill:

H. 7. Relating to Madison County; to provide for an additional expense allowance for the members of the jury commission of said county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 8. To authorize the Limestone County governing body to reimburse any officer or employee of the county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority from the general fund of the county; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this Act and to establish reasonable rules and regulations prescribing the conditions on which payments under this Act shall be made.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
deGraffenried	Kirkland		

—25

*Nays:* —0

The Bill:

H. 20. To amend Act Number 81-753, relating to the boundary lines of the Town of New Hope, Alabama, as follows: To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Barron	Callahan	Denton
Bailey	Britnell	Cook	Figures

Glass	Keener	Parsons	Teague
Goodwin	Lemaster	Pearson	Vacca
Gulledge	Little	Proctor	Weeks
Hall	McDonald	Smith	White
Holmes	Mitchem		

—25

*Nays:* —0

The Bill:

H. 35. Relating to Madison County; providing for the county governing body to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Smith
Barron	Goodwin	Little	Teague
Britnell	Hall	McDonald	Vacca
Callahan	Hilliard	Mitchem	Weeks
Cook	Holmes	Parsons	White
Denton	Keener		

—25

*Nays:* —0

### UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 42. To appropriate six million dollars (\$6,000,000) from certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

Mr. Cook offered the following amendment to the Bill, S. B. 42, to-wit:

### AMENDMENT TO S. B. 42

Amend Senate Bill 42 in Section 1, page 2 on line 12 by striking the words "In ordering the disbursement of the moneys in said" and by striking in their entirety lines 13 through 21 and inserting in lieu thereof the following:

"Said \$6,000,000 shall be disbursed to the general fund of the several counties by the state comptroller upon vouchers certified by the Commissioner of the State Department of Corrections upon approval of the Governor. The amounts disbursed to the several counties shall be on the basis of two dollars and twenty-five cents (\$2.25) per day for each state prisoner housed in the county jails from the period beginning March 1, 1977 through February 28, 1981. Should said six million dollars (\$6,000,000) be insufficient to pay the total sum based on the above ratio, then said amount shall be prorated in such a manner that the per prisoner per day monetary amount shall be the



same in every county. Should said six million dollars (\$6,000,000) be in excess of the amount necessary to pay the reimbursement according to said two dollars and twenty-five cents (\$2.25) per prisoner per day ratio, then the surplus shall carry forward and the several counties shall be reimbursed at the rate of two dollars and twenty-five cents (\$2.25) per prisoner per day from March 1, 1981 until the surplus is totally expended."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland		

—25

*Nays:* —0

On motion of Mr. Teague, further consideration of the Bill, S. B. 42, as amended, was postponed temporarily.

#### SPECIAL ORDER

The Senate then proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 27. To amend Sections 22-12A-2, 22-12A-3 and 22-12A-6 of the Code of Alabama 1975, relating to the Perinatal Health Act and legislative intent, content and the use of funds generally, so as to further provide therefor and enunciate the legislative intent with respect to educational programs.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, S. B. 27, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 27

Amend S. 27 as follows:

On page 2, line 16, delete the language "the health systems agencies," and insert in lieu thereof:

the health systems agencies,

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Parsons
Bailey	Goodwin	Little	Proctor
Barron	Gulledge	Martin	Robertson
Britnell	Hall	Miller	St. John
Callahan	Holmes	Mitchem	Taylor
Denton	Keener		
	Kirkland		

—22

*Nays:* —0

Mr. Martin offered the following amendment to the Bill, S. B. 27, as amended, to-wit:

#### AMENDMENT TO S. B. 27, AS AMENDED

Amend Senate Bill No. 27, by inserting on page 2, line 8 after the word "including" add the word optional

Line 27 after the word "and" add the word optional

On page 3, line 10 after the word "including" add the word optional

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Mitchem
Bailey	Hall	Lemaster	Parsons
Barron	Harrison	Little	Robertson
Glass	Hilliard	Martin	St. John
Goodwin	Keener	Miller	Taylor

—19

*Nays:*

—0

Mr. Robertson moved that further consideration of the Bill, S. B. 27, as amended, be postponed temporarily.

On motion of Mr. Martin, the motion to postpone was laid on the table.

Mr. Little offered the following amendment to the Bill, S. B. 27, as amended, to-wit:

#### AMENDMENT TO S. B. 27, AS AMENDED

Amend Senate Bill No. 27 Page 3 Line 11, by inserting after the word ages". the following words:

but subject to review and approval by the local school boards involved on an annual basis."

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Mitchem	White
Denton	Keener	Parsons	

—30

*Nays:*

—0

And said Bill, S. B. 27, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 4.

Yeas:

Messrs.:	Glass	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Proctor
Britnell	Gulledge	Little	St. John
Callahan	Hall	Martin	Smith
Cook	Hilliard	Miller	Teague
deGraffenried	Holmes	Mitchem	White
Denton	Keener		

—25

Nays: Messrs., Barron, Higginbotham, Robertson and Taylor. —4

Mr. Mitchem requested that his name be added as co-sponsor of the above Bill, S. B. 27.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 6. MOURNING THE DEATH OF MR. MILO BARRETT HOWARD, DIRECTOR OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY AND A DISTINGUISHED ALABAMIAN.

Also:

S. J. R. 7. COMMENDING MR. JIM HOUSTON OF THE COLUMBUS LEDGER-ENQUIRER.

Also:

S. J. R. 8. ACKNOWLEDGING, AND ENCOURAGING THE OBSERVANCE OF NATIONAL VETERANS DAY.

Also:

S. J. R. 11. DESIGNATING A PORTION OF U.S. HIGHWAY 78 "GEORGE LINDSEY HIGHWAY".

Also:

S. J. R. 12. HONORING KIWANIS CLUBS IN ALABAMA.

Also:

S. J. R. 15. NURSING HOME REIMBURSEMENT REGULATION.

Also:

S. J. R. 18. CONGRATULATING MISS SUE A. BELL OF EVERGREEN, ALABAMA, UPON HER APPOINTMENT AS DISTRICT JUDGE IN CONECUH COUNTY.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Stout (with notice and proof):

H. 84. Relating to DeKalb County; authorizing the county commission to employ a county revenue officer to collect county taxes and to inspect licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 84, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 95. Relating to Escambia County; providing further for the compensation and clerical assistance for the county tax assessor and the tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 95, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hines (with notice and proof):

H. 96. To provide that the Judge of Probate of Escambia County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for a minimum number of employees who shall serve at the pleasure of said Judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 96, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Coburn:

H. 98. Proposing an amendment to the Constitution of 1901, authorizing the legislature to abolish the separate offices of tax assessor and tax collector in Colbert County and to provide for the consolidation of the duties of said office into a new office.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 84, 95, 96 and 98. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 98, was read a first time at length as required by the Constitution.)

FURTHER CONSIDERATION OF S. B. 42

The Senate proceeded to further consideration of the Bill, S. B. 42, as amended.

Mr. Barron offered the following amendment to the Bill, S. B. 42, as amended, to-wit:

AMENDMENT TO S. B. 42, AS AMENDED

Amend S. B. 42 to delete line 37 on p. 1 and lines 5 through 10 on p. 2 in their entirety and substitute in lieu thereof the following:

made only from the income or profit derived from the income or profit derived from the investment and reinvestment of the advance rentals received by the State at any time after January 1, 1981, and before May 21, 1981, for the leasing of rights to explore and drill for or to produce oil, gas, or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area (including income or profit derived from the investment and reinvestment of previously derived income or profit). Said \$6,000,000 shall be placed in a separate

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Kirkland	Proctor	White

—27

*Nays:*

—0

Mr. Parsons offered the following amendment to the Bill, S. B. 42, as amended, to-wit:

AMENDMENT TO S. B. 42, AS AMENDED

Amend S. 42 as follows:

On page 1, in lines 9, 21 and 33, delete the words and figures "six million dollars (\$6,000,000)" and insert in lieu thereof:

nine million dollars (\$9,000,000)

On page 2, in line 10, delete the figures "\$6,000,000" and insert in lieu thereof:

\$9,000,000

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 18; Nays 6.

*Yeas:*

Messrs.:	Britnell	Denton	Harrison
Bailey	deGraffenried	Goodwin	Higginbotham

Holmes	Martin	Proctor	Teague	
Lemaster	Miller	St. John	White	
Little	Mitchem	Smith		—18

*Nays:*

Messrs.:	Callahan	Kirkland	Taylor	
Barron	Hall	Parsons		—6

And said Bill, S. B. 42, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Proctor	
Bailey	Hall	Martin	Robertson	
Barron	Harrison	McDonald	St. John	
Britnell	Higginbotham	Miller	Taylor	
Callahan	Holmes	Mitchem	Teague	
deGraffenried	Keener	Parsons	Vacca	
Denton	Kirkland	Pearson	White	
Goodwin	Lemaster			—29

*Nays:* —0

### RESOLUTION

Messrs. Goodwin, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

**S. J. R. 20. REQUESTING THAT ALL INTER-COLLEGIATE SPORTING EVENTS OF STATE-SUPPORTED SCHOOLS HELD IN THE STATE OF ALABAMA BE PRECEDED BY PUBLIC PRAYER.**

WHEREAS, at inter-collegiate sporting events in the State of Alabama, public prayer has traditionally been offered prior to the opening of games or competition; and

WHEREAS, such opening prayer, however, has recently been omitted on occasions, and such omissions have been noted with disfavor by many spectators in the stands; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we hereby request the administrations of all state-supported schools in Alabama to reschedule public prayer during pre-game ceremonies of all inter-collegiate sporting events held in the State of Alabama.

**BE IT FURTHER RESOLVED,** That all state-supported schools in Alabama be forthwith notified, by copy of this resolution, of the wishes of the Legislature regarding prayer prior to all inter-collegiate sporting events held in this state.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

RECESS

At 3:15 P.M., on motion of Mr. deGraffenried, the Senate took a recess until 3:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. deGraffenried, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried:

S. 61. To provide for executing "self proving" wills by the testator and affidavits of witnesses each before an officer authorized to administer oaths, and to provide the forms for the same.

By Rep. Manley:

H. 3. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

By Rep. Smith (J):

H. 15. To amend Section 1 of Act No. 81-967 of the first special session of the Alabama Legislature in 1981 by further amending § 43-3-10 Code of Alabama 1975, which provides for descent and distribution of personalty.

By Reps. Amari and Bennett:

H. 22. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2., reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hall (with notice and proof):

S. 64. To approve and authorize the Jefferson County Commission of Jefferson County to increase the rate at which ad valorem taxes are levied in the Jefferson County School District for public school purposes in the District, pursuant to the election in said District held on February 11, 1969, under the Jefferson County Consolidation School Tax Amendment of the Alabama Constitution (Amendment No. 82) from \$.88 to \$1.38 on each \$100 of taxable property in the Jefferson County School District (consisting of all areas of Jefferson County outside of the municipalities of Birmingham, Bessemer, Fairfield, Mountain Brook, Homewood, Vestavia Hills, Tarrant City, and Midfield), the proceeds of said tax to be used for public school purposes in said School District, and to continue each year to and including the tax ending September 30, 1995; subject, however, to the approval of the qualified electors residing in said Jefferson County School District who vote on the proposal at a special election, and to exempt certain persons from the provisions of the act.

By Reps. Waggoner, Olive, Gafford, Lewis, Bennett and Boles (with notice and proof):

H. 39. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

By Reps. Gafford, Trammell, Olive, Waggoner and Bennett (with notice and proof):

H. 42. To establish the salary for the Sheriff of Jefferson County, Alabama: and to provide that the salary as fixed by this Act shall take effect at the beginning of the next term of office of said officer and the beginning of each term of office of said officer thereafter.

By Rep. Waggoner (with notice and proof):

H. 43. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

By Rep. Horn (with notice and proof):

H. 61. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cobb (with notice and proof):

H. 5. Relating to Marion County; amending Section 1 of Act No. 108, H. 78, 1978 Regular Session (Acts 1978, p. 1825), relating to an additional expense allowance for members of the county board of education, so as to increase the amount of such allowance.

By Reps. Cates and Wyatt (with notice and proof):

H. 51. Relating to the method of giving notice of the procedure for service of summoning witnesses and summons and complaints in Crenshaw County so that such service and subpoenas may be by United States mail in the county under certain conditions.

By Rep. Hines (with notice and proof):

H. 88. Relating to the practice of barbering in Escambia County; to regulate further the training and licensing of barbers and conditions under which barbers and cosmetologists may work in such county.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:



By Reps. Biddle, Willis, Carter, Roberts, McMillan, Warren, Ray and Ward:

H. 1. To establish a lifetime resident hunting license, a lifetime resident fishing license, and a combination lifetime resident hunting and fishing license; to provide for the deposit of the proceeds into a special account in the Game and Fish Fund, to be called the Alabama Game and Fish Endowment Fund, and to prescribe the manner in which said account will be administered.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Vacca, Holmes, Mitchem, Teague, Goodwin and White:

S. 65. To make a supplemental appropriation from the Alabama special educational trust fund to the Alabama Department of Youth Services for the fiscal year ending September 30, 1982, for the purposes of subsidizing in part certain regional juvenile detention centers and other purposes; and to state legislative intent.

By Mr. Barron:

S. 52. To amend Section 40-18-6, Code of Alabama 1975, to provide that the basis of property acquired by gift or transfer in trust shall be the same as the basis of property acquired in a like manner under federal law.

By Mr. Barron:

S. 53. To provide that State Legislators' travel expenses shall be treated for state income tax purposes in the same manner as for federal income tax purposes.

By Reps. Clark (G), Drinkard, Moore, Shoemaker, Roberts, Carter, Sandusky, Venable, McMillan, Harper (T), Cabaniss, Bedsole, Cosby, Mitchell, Minus, Owens, Hall, Pegues, Starkey, Smith (J) and Penry:

H. 77. To propose an amendment to the Constitution of Alabama of 1901 which will authorize the Legislature to provide by law for the payment by the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family residential property located in the State, which will provide that, notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement, and which will provide that such amendment shall have no further force and effect after December 31, 1983.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Clark (G), Drinkard, Moore, Shoemaker, Owens, Dial, Roberts, Carter, Venable, McMillan, Harper (T), Cabaniss, Bedsole, Hall, Cosby, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. 79. To amend Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982, to extend said date until December 31, 1983.

By Rep. Owens:

H. 49. To make a supplemental appropriation for salaries and other expenses for the use of the House of Representatives and the Alabama Senate for the fiscal year ending September 30, 1982, from the general fund of the state treasury.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Pearson and Hall (With Amendment):

S. 56. To transfer funds from the General Fund to the credit of the Alabama Special Educational Trust Fund.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendments, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Cates, Manley, Dial, Pegues, Owens, Sasser, Carter, Warren, Ray, Daniels, Smith (C), Edwards, Grouby, McKee, Willis, Grimsley, Laird, Turner, Shoemaker, Hammett, Holley and Penry (With Amendments):

H. 37. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the Authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use and distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to repeal specifically Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Roberts, Carter, Sandusky, Venable, McMillan, Harper (T), Cabaniss, Bedsole, Hall, Cosby, Mitchell, Minus, Pegues, Starkey, Smith (J), and Penry (With Amendments):

H. 73. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 6. To authorize a procedure whereby the Sheriff of Madison County, Alabama is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the Sheriff's Department of Madison County and stored by said Department but which has been unclaimed after six (6) months; to provide that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Madison County, Alabama or by posting in a conspicuous place at the Madison County Courthouse; to provide that the first publication or posting of said notice shall be twenty days before the said auction; to provide a procedure for the conduct of said auction; to provide that the owner of any of the abandoned or stolen property recovered and stored by the Sheriff of Madison County, Alabama may redeem the same at anytime prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the office of the Sheriff of Madison County, Alabama.

Also:

H. 7. Relating to Madison County; to provide for an additional expense allowance for the members of the jury commission of said county.

Also:

H. 8. To authorize the Limestone County governing body to reimburse any officer or employee of the county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority from the general fund of the county; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this Act and to establish reasonable rules and regulations prescribing the conditions on which payments under this Act shall be made.

Also:

H. 20. To amend Act Number 81-753, relating to the boundary lines of the Town of New Hope, Alabama, as follows: To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

Also:

H. 25. Relating to Sumter County; to amend Sections 2, 3, 6 and 7 of Act No. 81-224, H. 140, Regular Session 1981 (Acts 1981, p. 298), relating to reidentification of registered voters, so as to provide further for such reidentification.

Also:

H. 29. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

Also:

H. 30. To alter the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, so as to remove certain territory from within such limits.

Also:

H. 35. Relating to Madison County; providing for the county governing body to reimburse the office of license commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing such funds shall be payable from the general fund of the county.

Also:

H. 48. Relating to Bibb County; authorizing the county board of education to fix an expense allowance for the county superintendent of education in such amount as said board deems appropriate and providing that such expense allowance shall be in lieu of all other expense allowances heretofore provided for said superintendent.

Also:

H. 50. Relating to Crenshaw County; amending Sections 1 and 2 of Act No. 775, S. 158 of the 1975 Regular Session (Acts 1975, p. 1563), fixing the issuance fee for pistol permits and providing for the distribution therefor, so as to increase such fee and prescribe that funds generated thereby be deposited in the county general fund.

Also:

H. 53. Relating to Covington County; to provide for a pistol permit fee, to provide for the disposition of such fees, and to specifically repeal Act No. 898, H. 1672, Regular Session 1971 (Acts 1971, p. 1662).

Also:

H. 59. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 68. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 40. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

was taken up.

RESOLUTIONS

Messrs. Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. COMMENDING MR. MARVIN LEWIS OF DOTHAN, ALABAMA, RETIRED COCA-COLA BOTTLING COMPANY OFFICIAL AND PROMINENT WIREGRASS CITIZEN.

WHEREAS, Dothan native, Mr. Marvin Lewis, recently retired following a career with the Coca-Cola Bottling Company which spanned a period of some 46 years; and

WHEREAS, honored with a dinner upon his retirement, Mr. Lewis was lauded not only on his extraordinarily successful business career but also for his numerous and notable contributions to the entire Wiregrass area of our state; and

WHEREAS, in addition to his responsibilities as an executive and stockholder in the Coca-Cola Company Mr. Lewis also is president of the Jenmar Company and is a stockholder of WDHN-Television; and

WHEREAS, he is a past chairman of the Houston County March of Dimes, president of the Dothan Soft Drink Advertising Committee, and a former two-time chairman and current vice chairman of the Dothan Recreation Board; and

WHEREAS, his civic involvement extends to include the vice chairmanship of the Housing Authority of the City of Dothan, the presidency of the Alabama Leasee Housing Association, board membership on the Dothan-Houston Chamber of Commerce as well as past and present offices of the Chamber, and numerous other involvements in all areas in the life of Dothan and the State of Alabama; and

WHEREAS, Mr. Lewis also has long served in numerous and various capacities on committees and boards associated with the nearby locations of Fort Rucker and Napier Field in the community and was presented with a Department of the Army Certificate for Patriotic Civilian Service; and

WHEREAS, he further is the recipient of numerous awards and honors including a 1981 Distinguished Service Award of the Alabama Soft Drink Bottlers Association, a 1970 United Fund Merit Award in Daleville and honorary membership in the Department of Public Safety, also in Daleville; and

WHEREAS, Mr. Lewis was educated at Starke University Military School in Montgomery and at McCallie School in Chattanooga, Tennessee; he is a member and on the administrative board of the First United Methodist Church, a member of the Dothan Country Club, Dothan Elks Lodge, the Masonic Lodge, and of Alcazar Temple in Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Marvin Lewis of Dothan, Alabama, and offer our sincere best wishes for every continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. Lewis receive a copy of this resolution that he may know of our warm praise and of our deep appreciation for his contributions to Alabama's Wiregrass area and the entire State as well.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. McDonald, Robertson, Taylor, Miller, Hall, Britnell, and Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. AGRICULTURAL MARKETING FACILITY.

WHEREAS, agriculture is in an economically depressed state, and

WHEREAS, agriculture must look to new and innovative methods and crops in order to diversify and expand its economic potential; and

WHEREAS, fruits, vegetables, nuts and ornamental horticultural products represent a highly marketable and economically viable alternative to traditional agricultural products and

WHEREAS, fruits, vegetables, nuts and ornamental horticultural would represent a potential for, diversifying the agricultural production on Alabama farms and

WHEREAS, the ability to produce these products exist optimally in Alabama and

WHEREAS, the capacity for increased production must rely on the ability to market these products in local and national markets, in an organized fashion; and

WHEREAS, Governor Fob James having recognized the above facts campaigned vigorously and committed his campaign to the fulfillment of the concept of this economic and marketing capability for the farmers and consumers of Alabama.

THEREFORE BE IT RESOLVED, That a feasibility study be conducted under the auspices of the Board of Agriculture & Industries of the state of Alabama to ascertain the full potential for the establishment of a retail and terminal marketing facility for fruits, vegetables, nuts, and ornamental horticulture products centrally located in the state; and

BE IT FURTHER RESOLVED, That the Vice President for Agriculture, Home Economics and Veterinary Medicine of Auburn University be designated as chairman to conduct such study and a report be made to the Governor and to the Legislature by January 1, 1982.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S J. R. 6. MOURNING THE DEATH OF MR. MILO BARRETT HOWARD, DIRECTOR OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY AND A DISTINGUISHED ALABAMIAN.

ALBERT McDONALD,  
Chairman.

**IN MEMORIAM**  
**MILO BARRETT HOWARD**  
**DIRECTOR**  
**DEPARTMENT OF ARCHIVES AND HISTORY**  
**1933-1981**

**SIGNING OF RESOLUTION**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

**REPORT OF  
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 7. COMMENDING MR. JIM HOUSTON OF THE COLUMBUS LEDGER-ENQUIRER.

Also:

S. J. R. 8. ACKNOWLEDGING, AND ENCOURAGING THE OBSERVANCE OF NATIONAL VETERANS DAY.

Also:

S. J. R. 11. DESIGNATING A PORTION OF U.S. HIGHWAY 78 "GEORGE LINDSEY HIGHWAY."

Also:

S. J. R. 12. HONORING KIWANIS CLUBS IN ALABAMA.

Also:

S. J. R. 15. NURSING HOME REIMBURSEMENT REGULATION.

Also:

S. J. R. 18. CONGRATULATING MISS SUE A. BELL OF EVERGREEN, ALABAMA, UPON HER APPOINTMENT AS DISTRICT JUDGE IN CONECUH COUNTY.

ALBERT McDONALD,  
Chairman.

**SIGNING OF RESOLUTIONS**

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a



quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MOTION TO ADJOURN LOST

At 4:35 P.M., Mr. St. John moved that the Senate adjourn until Thursday, November 12, 1981, at 11 o'clock A.M., which motion was lost.

Yeas 7; Nays 16.

*Yeas:*

Messrs.:	Keener	St. John	Taylor	
Cook	Parsons	Smith		—7
deGraffenried				

*Nays:*

Messrs.:	Higginbotham	McDonald	Robertson	
Barron	Holmes	Miller	Teague	
Britnell	Kirkland	Mitchem	Vacca	
Hall	Little	Proctor	White	
Harrison				—16

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 40, to-wit:

COMMITTEE AMENDMENT NO. 1 TO S. B. 40

Amend S. B. 40 by adding the following paragraph to the end of Section 8 on line 10, page 20:

It is the legislative intent that each of the highway, road and bridge projects enumerated and listed in this section shall be completed in their entirety and if sufficient funds are not provided for by the provisions of this act, then said projects shall be completed out of any other funds appropriated to the use of the State Highway Department during the current or any future fiscal year.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor	
Bailey	Hall	Lemaster	Smith	
Barron	Harrison	Martin	Taylor	
Britnell	Higginbotham	McDonald	Teague	
Cook	Holmes	Miller	Vacca	
deGraffenried	Keener	Mitchem	White	
Glass				—24

*Nays:* —0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, S. B. 40, as amended, to-wit:

#### COMMITTEE AMENDMENT NO. 2 TO S. B. 40, AS AMENDED

Amend Senate Bill 40 in Section 8, Page 11, Line 23, by adding the following paragraph.

"1. Grading, draining, basing, and paving in connection with the addition of two lanes to the existing two lanes on US Highway 278 near Piedmont between its intersection with Alabama Highway 9 and its crossing of Nance's Creek."

Further amend Senate Bill 40, in Section 8, Page 14, Line 36, by adding the following paragraph.

"1. Grading, draining, basing, paving, and construction of a bridge or bridges on a new two-lane segment of Alabama 20 between the Natchez Trace Parkway and Florence."

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Smith
Bailey	Harrison	McDonald	Taylor
deGraffenried	Higginbotham	Miller	Teague
Glass	Holmes	Mitchem	Vacca
Goodwin	Lemaster	Proctor	White

—19

*Nays:*

—0

Mr. Goodwin offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

#### AMENDMENT TO S. B. 40, AS AMENDED

Amend S. B. 40 Section 8 by inserting the following local projects listing to clarify that these projects which were listed in the original bill also extend into the counties as noted below.

Following line 12 on Page 12 add the following:

Cleburne County 1. Recycling of materials from, and resurfacing of, Quintard Avenue in Anniston between P Street and 22nd Street and widening and resurfacing of U.S. Highway 78 between its intersection with Alabama Highway 21 at Oxford and its intersection with Alabama Highway 9 at Heflin. (This project also listed under Calhoun County.)

Following line 23 on Page 13 add the following:

Etowah County 1. Widening, resurfacing and construction of passing lanes on U.S. Highway 411 between Gadsden and Leesburg. (This project also listed under Cherokee County.)

Following line 7 on Page 16 add the following:

Marengo County 1. Grading and draining in connection with the addition of two lanes to the existing two lanes of U.S. Highway 80 from a point five miles east of Demopolis running east for five miles. (This project also listed under Hale County.)

Following line 35 on Page 17 add the following to the Talladega County listing:

3. Grading and draining of an addition of two lanes to the existing two lanes of U.S. Highway 280 between Harpersville and Childersburg. (This project also listed under Shelby County.)

Amend S. B. 40 section 8 by adding the following paragraph on line 10 page 18:

Any other provision of this section notwithstanding, in the event federal discretionary funds become available to the State Highway Department which may be utilized in the funding of any of the foregoing projects set forth in this section, such funds may be so utilized and an amount equal to such funds so utilized, may be used by the State Highway Department from the bond funds provided by this section for funding other highway projects.

Which was adopted.

Yeas 20; Nays 1.

Yeas:

Messrs.:	Hall	Lemaster	Parsons
Bailey	Harrison	Little	Robertson
deGraffenried	Higginbotham	Martin	Smith
Glass	Holmes	Miller	Teague
Goodwin	Kirkland	Mitchem	White
Gulledge			—20

Nay: Mr. Barron. —1

Mr. Smith offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40, page 9, Section 8, beginning with Line 27 through Line 6 on Page 10 to read as follows:

"Section 8. Public Roads, Streets, Highways and Bridges. Bond Proceeds and Investment Income in the amount of three hundred million dollars (300,000,000) are hereby appropriated and allocated to the State Highway Department for payment of the costs of the planning, acquisition, construction and improvement of public roads, streets, highways, bridges and installation and maintenance of automatic signals at highway-rail grade crossings to the extent necessary to assure that all federal funds allocated to the state for grade crossing protection shall be matched and that no such funds will revert to the federal government because of failure to match by the state or be diverted or expended for any other purpose, provided that ten percent (10%) of the moneys appropriated and allocated to the State Highway Department shall be used to pay the costs of county roads and municipal streets, highways, bridges and grade crossing protections in accordance with the conditions hereinafter provided. The specific projects for the planning, acquisition,

construction and improvement of public roads, streets, highways and bridges which are to be financed in full out of the Bond Proceeds and Investment Income hereby allocated to the State Highway Department (excluding 10% portion thereof to be used for county road and municipal streets, highways and bridges) shall include, but shall not be limited to, the following described projects:<sup>5</sup>

On motion of Mr. deGraffenried, further consideration of said amendment was postponed temporarily.

Mr. Smith then offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

#### AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40 page 18 line 16 by striking lines 16 through 29 after the word "bridges."; and inserting in lieu thereof the following:

"The amount allocated to projects in each of the counties shall be determined by allocating to each county the percentage share that such county's population bears to the total population of the state. Said amount located to each county shall be apportioned among the county governing body and incorporated municipalities therein as follows: (1) each incorporated municipality shall receive a portion of the total to the county that is equal to percentage that said municipality's population bears to that of the total county population, and (2) each county shall receive a share equal to the percentage that such county's population, excluding the populations of the incorporated municipalities therein, bears to the total population of said county; provided further, that the population figures used for distributing the sum of \$30,000,000 allocated therein shall be based on the latest Federal decennial census."

#### RESOLUTION

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. BE IT RESOLVED BY That the Alabama Legislature both houses concurring that when we adjourn on Thursday, November 12, 1981; we adjourn to meet again on Tuesday, November 17, 1981.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

#### MOTION TO ADJOURN LOST

At 5:05 P.M., Mr. St. John moved that the Senate adjourn until Thursday, November 12, 1981, at 10:45 A.M., which motion was lost.

Yeas 10; Nays 16.

Yeas:

Messrs.:  
Callahan  
Cook

Glass  
Hilliard  
Keener

Parsons  
Robertson  
St. John

Taylor  
Weeks

—10

THIRD EXTRAORDINARY SESSION  
5th Day

107

*Nays:*

Messrs.:	Harrison	Little	Smith
Bailey	Higginbotham	Miller	Teague
Barron	Holmes	Mitchem	Vacca
Goodwin	Lemaster	Proctor	White
Hall			

—16

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended. The question was on amendment No. 2 offered by Mr. Smith.

On motion of Mr. Weeks, said amendment was laid on the table.

Yeas 18; Nays 11.

*Yeas:*

Messrs.:	Harrison	Little	St. John
Bailey	Higginbotham	Miller	Taylor
Britnell	Holmes	Mitchem	Teague
Goodwin	Kirkland	Proctor	Weeks
Gulledge	Lemaster	Robertson	

—18

*Nays:*

Messrs.:	Cook	Hall	Parsons
Barron	deGraffenried	Keener	Smith
Callahan	Glass	Martin	White

—11

Mr. Keener offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. 40 in the title, line 23, by inserting the word "streets" after the words "public roads" and before the word "highways"; further,

Amend S. 40 by striking in its entirety Section 8 and substituting in lieu thereof a new Section 8 to read as follows:

"Section 8. Public Roads, Streets, Highways and Bridges. Bond Proceeds and Investment Income in the amount of three hundred million dollars (\$300,000,000) are hereby appropriated and allocated to the State Highway Department for payment of the costs of the planning, acquisition, construction and improvement of public roads, streets, highways and bridges, provided that ten percent (10%) of the moneys so appropriated and allocated to the State Highway Department shall be used to pay the costs of county roads and municipal streets, highways and bridges in accordance with the conditions hereinafter provided. The specific projects for the planning, acquisition, construction and improvement of public roads, streets, highways and bridges which are to be financed in full out of the Bond Proceeds and Investment Income hereby allocated to the State Highway Department (excluding the 10% portion thereof to be used for county roads and municipal streets, highways and bridges) shall include, but shall not be limited to, the following described projects:

## STATE PROJECTS

## Major Bridges

Jackson County 1. Construction of a bridge (including related approaches thereto) crossing the Tennessee River at Scottsboro on Alabama Highway 35.

Pickens County 2. Construction of a bridge (including related approaches thereto) crossing the Tombigbee River at Pickensville.

Shelby and Talladega Counties 3. Construction of a bridge (including related approaches thereto) crossing the Coosa River at Childersburg on U.S. Highway 280.

Elmore County 4. Construction of a bridge (including related approaches thereto) crossing the Coosa River at the Wetumpka bypass on Alabama Highway 14.

Russell County 5. Construction of a bridge (including related approaches thereto) crossing the Chattahoochee River at the Phenix City north bypass.

Monroe County 6. Construction of a bridge (including related approaches thereto) crossing the Alabama River at Claiborne on U.S. Highway 84.

## Local Projects

Autauga County 1. Replacement of bridges crossing Little Mulberry Creek on Alabama Highway 14 west of Autaugaville.

Baldwin County 1. Grading, draining, basing and paving in connection with the widening to four lanes (without median) of Alabama Highway 59 between Foley and its intersection with Interstate Highway 10.

Bibb County 1. Grading, draining and constructing a bridge or bridges on a new four-lane segment of U.S. Highway 82 between Eoline and its intersection with Alabama Highway 5.

Blount County 1. Widening to three lanes and resurfacing of U.S. Highway 231 between Oneonta and Rosa.

Butler County 1. Widening and resurfacing of Alabama Highway 10 between the Wilcox-Butler County line and the Butler-Crenshaw County line, except 4.51 miles thereof located within the city limits of Greenville.

Calhoun County 1. Grading, draining, basing and paving in connection with the construction of a two-lane northern bypass on U.S. Highway 278 near Piedmont between its intersection with Alabama Highway 9 and its crossing of Nance's Creek.

2. Recycling of materials from, and resurfacing of, Quintard Avenue in Anniston between P Street and 22nd Street and widening and resurfacing of U.S. Highway 78 between its intersection with Alabama Highway 21 at Oxford and its intersection with Alabama Highway 9 at Heflin.

Cherokee County 1. Widening, resurfacing and construction of passing lanes on U.S. Highway 411 between Gadsden and Leesburg.

Chilton County 1. Widening and resurfacing of Alabama Highway 22 between the Dallas County line and Maplesville.

2. Widening, resurfacing and installation of traffic signals on a segment of U.S. Highway 31 located in Jemison.

Choctaw County 1. Widening, resurfacing and construction of passing lanes on Alabama Highway 17 between Toxey and Butler.

Clarke County 1. Basing and paving a portion of U.S. Highway 84 in the vicinity of Whatley Mill.

Colbert County 1. Grading, draining, basing and paving in connection with the addition of two lanes to Alabama Highway 157 between its intersection with Alabama Highway 20 and the Lawrence County line.

Conecuh County 1. Widening and resurfacing of U.S. Highway 84 between its intersection with Interstate Highway 65 and Evergreen.

Coosa County 1. Widening and resurfacing of U.S. Highway 231 from the end of its four lane portion near Rockford to its intersection with County Road 49 at Hanover.

Crenshaw County 1. Widening and resurfacing of U.S. Highway 331 between Brantley and Luverne.

Cullman County 1. Construction of a bridge on the Cullman northeast bypass.

2. Construction of paved shoulders and resurfacing on Alabama Highway 157 between its intersection with Interstate Highway 65 and Battle-ground School.

Dale County 1. Grading, draining, basing and paving of Alabama Highway 134 between the Coffee-Dale County line and its intersection with Alabama Highway 85.

2. Grading, draining, basing and paving of the intersection of U.S. Highway 84 and Alabama Highway 92 at the Wicksburg Wye.

Dallas County 1. Widening and resurfacing of Alabama Highway 41 between the Wilcox-Dallas County line and its intersection with U.S. Highway 80.

2. Grading, draining and construction of a bridge or bridges in connection with the addition of two lanes to the existing two lanes of U.S. Highway 80 between its crossing of the Cahaba River and Browns.

Dekalb County 1. Grading, draining, basing and paving in connection with the widening to four lanes of Alabama Highway 35 between its intersection with U.S. Highway 11 and its crossing of Big Will's Creek.

Elmore County 1. Widening, resurfacing and construction of a bridge or bridges on Alabama Highway 14 between Wetumpka and Tallassee.

Fayette County 1. Widening and resurfacing of U.S. Highway 43 between its intersection with Alabama Highway 102 and Winfield.

Hale County 1. Grading and draining in connection with the addition of two lanes to the existing two lanes of U.S. Highway 80 from a point five miles east of Demopolis running east for five miles.

Henry County 1. Grading, draining and basing of a new four-lane segment of U.S. Highway 431 between a point in the vicinity of its intersection with Henry County Road 18 and Abbeville.

2. Grading, draining, basing, paving of, and construction of a bridge or bridges on, a new four-lane segment of U.S. Highway 431 between Headland and a point in the vicinity of its intersection with Henry County Road 18.

Houston County 1. Construction of intersection improvements at the intersection of Ross Clark Traffic Circle with the following public roads: U.S. Highway 431; U.S. Highway 231 at its northern intersection; U.S. Highway 84 at its western intersection; Denton Road; and Fortner Road.

Jefferson County 1. Construction of a bridge and related approaches on Alabama Highway 75 over the railroad track of the Louisville & Nashville Railroad near Pinson.

2. Grading, draining, basing and paving in connection with the widening to four lanes of Alabama Highway 75 between its intersection with Alabama Highway 151 and Pinson High School.

3. Grading, draining, basing and paving in connection with the widening to four lanes of Alabama Highway 79 near Pinson between a point one mile south of its intersection with Alabama Highway 151 and a point 1.3 miles north of said intersection.

4. Rehabilitation and resurfacing of U.S. Highway 11 between 30th Street in Bessemer and Lomb Avenue in Birmingham.

5. Grading, draining, basing, paving and construction of a bridge or bridges in connection with the construction of a Lake Griffin interchange southwest of Bessemer on Interstate Highway 59.

Lamar County 1. Widening and resurfacing of Alabama Highway 17 between Vernon and Millport.

Lauderdale County 1. Grading, draining, basing, paving and construction of a bridge or bridges on a new four-lane segment of Alabama Highway 20 between the Natchez Trace Parkway and Florence.

2. Grading, draining, basing and paving in connection with the construction of a turning lane on Alabama Highway 20 at Central High School.

Lawrence County 1. Basing, paving and construction of a bridge or bridges in connection with the construction of a four-lane Courtland bypass on U. S. Highway 72.

Lee County 1. Grading, draining, basing and paving in connection with the widening to three lanes of Wire Road at its intersection with Alabama Highway 267.

2. Grading, draining and construction of a bridge or bridges in connection with the addition of two lanes to the existing two lanes of U. S. Highway 431 between Salem and Motts.

3. Grading, draining, basing, paving and construction of a bridge or bridges on a public road running between the intersection of U. S. Highway 431 and Interstate Highway 85 and the intersection of U. S. Highway 431 with U. S. Highway 29 and a segment of U. S. Highway 431 between its intersection with U. S. Highway 29 and its crossing of the railroad tracks of Western Railway of Alabama.

Limestone County 1. Widening and resurfacing of Alabama Highway 251 between Athens and the Tennessee state line.



2. Widening and resurfacing of Alabama Highway 99 between Athens and its crossing of the Elk River.

Madison County 1. Grading, draining, basing, paving and construction of a bridge or bridges and related approaches on Memorial Parkway at its interchange with University Avenue.

2. Grading, draining, paving and construction of a bridge or bridges in connection with the addition of two lanes to the existing two lanes of U. S. Highway 431 between Big Cove and New Hope.

Marion County 1. Construction of a bridge and related approaches crossing the Northfork River on U. S. Highway 43 north of Hamilton.

Marshall County 1. Grading, draining, basing and paving of an addition of two lanes to the existing two lanes of U. S. Highway 431 between Guntersville and Henryville.

Mobile County 1. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between its crossing of Three Mile Creek and Larkwood Drive.

2. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between Larkwood Drive and Racine Avenue.

3. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between Racine Avenue and the vicinity of Clear Creek.

4. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between the urban limits of Mobile and the vicinity of Clear Creek.

5. Basing and paving of two lanes of Range Line Road from approximately one mile south of Island Road to its intersection with Interstate Highway 10.

Montgomery County 1. Widening and resurfacing of Alabama Highway 110 between its intersection with the Montgomery eastern bypass and its crossing of the railroad tracks of the Seaboard Coastline Railroad.

Morgan County 1. Widening and resurfacing of Alabama Highway 36 between Hartselle and its intersection with Alabama Highway 67.

Randolph County 1. Grading, draining, basing and paving of two lanes of U. S. Highway 431 between Swagg Road and Fosters Crossroads.

St. Clair County 1. Widening and resurfacing of U. S. Highway 411 between Leeds and Odenville.

2. Grading, draining, basing, paving and construction of a bridge or bridges in connection with construction of a State prison access road.

Shelby County 1. Widening and resurfacing of Alabama Highway 119 between its intersection with U. S. Highway 280 and the Lake Purdy Bridge.

2. Grading and draining of an addition of two lanes to the existing two lanes of U. S. Highway 280 between Harpersville and Childersburg.

Sumter County 1. Widening and resurfacing of U. S. Highway 11 between Livingston and York.

Talladega County 1. Grading, draining, basing, paving and construction of a bridge or bridges in connection with construction on U. S. Highway 231 of a two-lane western bypass of Talladega between its crossing of Talladega Creek and a point near the northern city limits of Talladega.

2. Grading, draining, basing and paving in connection with widening to five lanes of Alabama Highway 21 in Sylacauga between 10th Street and Country Club Road.

Tallapoosa County 1. Grading, draining, basing and paving of a new four-lane segment of U. S. Highway 280 between Alabama Highway 22 and its crossing of the Tallapoosa River.

Wilcox County 1. Widening and resurfacing of Alabama Highway 10 between Camden and Oak Hill.

Out of the total Bond Proceeds and Investment Income appropriated and allocated to the State Highway Department, the sum of \$30,000,000 (viz., 10% of the total amount so appropriated and allocated to the State Highway Department) shall be made available for the payment of eighty percent (80%) of the costs of projects for constructing or improving county roads and municipal streets, highways and bridges. The amount allocated to projects in each of the counties shall be determined by (i) allocating one-half of said sum of \$30,000,000 to each county in equal shares and (ii) allocating the remaining half of said sum of \$30,000,000 to each county in the same proportion as the total road mileage in such county bears to the total road mileage in all counties of the State; provided that in computing the road mileage in any county and in the entire State for purposes of the allocation made pursuant to the preceding clause (ii), there shall be excluded all mileage in each county attributable to Interstate Highways, U. S. Highways, Alabama Highways (without duplication where the same highway is both a U. S. Highway and an Alabama Highway), and all highways, roads and streets located within the corporate limits of incorporated municipalities. Twenty percent (20%) of the funds appropriated to each county hereunder shall be used for constructing or improving municipal streets or portions thereof and bridges, lying within any municipality and, which streets and bridges constitute the route of connection between or extension of county roads in the county highway system, and each county receiving such funds shall establish a special account for said funds and shall not commingle such funds with other funds or accounts of the county but shall keep and disburse such funds only for the purposes hereinabove provided. Any municipality may share in the moneys allocated to the county in which it is located by entering into an agreement with such county pursuant to which all or any portion of the county allocation shall be made available to the city.

The share of Bond Proceeds and Investment Income allocated to any particular county shall not be used to pay the costs of any project unless

(a) such portion shall be selected by such county, or a municipality located therein, for submission to the State Highway Department;

(b) the plans for such project prepared by, or under the supervision of, the county engineer or the city engineer, as the case may be, shall be submitted to the State Highway Department;

(c) the project shall be approved by the State Highway Department and an agreement respecting the administration and construction of the project (in such form as shall be prescribed by the State Highway Department) shall

be entered into between the State Highway Department and the county or the municipality undertaking such project;

(d) the State Highway Department shall be furnished evidence satisfactory to it that the county or municipality undertaking such project has on hand the funds necessary to pay twenty percent (20%) of the total cost of such project; and

(e) the construction of such project shall conform to the standards and specifications of the State Highway Department and shall be carried out under the inspection and supervision of the county or city engineer, as may be appropriate, or such other registered engineer as may be directed by the State Highway Department.

Only eighty percent (80%) of the total cost of any project undertaken by any county or municipality shall be paid out of the moneys allocated to a particular county pursuant to this section, and the remaining twenty percent (20%) of the total cost of such project shall be paid from funds provided by the county or municipality undertaking such project. Moneys obligated by the State Highway Department to any project pursuant to this section shall be applied to pay for completed work on such project as such work progresses, and such moneys shall be disbursed according to such procedure as shall be prescribed by the State Highway Department with the approval of the Director of Finance.

The State Highway Department shall give notice to the counties of the availability of any Bond Proceeds or Investment Income to be respectively allocated to the counties pursuant to this section, and the moneys with respect to which notice shall be given shall remain available for projects to be undertaken by the counties, or by municipalities therein, for a period of one year after such notice is given, and any moneys covered by such notice which are not obligated to a project within such period of one year may be used by the State Highway Department to pay the capital costs of any construction or improvement of any road, highway or bridge anywhere in the State.

Any provision of this Act to the contrary notwithstanding, no Bond Proceeds or Investment Income appropriated and allocated to the State Highway Department pursuant to this section (including the portion thereof allocated to the counties of the State) shall be used to acquire machinery or equipment to be used in the construction or maintenance of roads, highways and bridges."

On motion of Mr. Keener, further consideration of said amendment was postponed temporarily.

Mr. Smith offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend S. 40 in the title, line 23, by inserting the word "streets" after the words "public roads" and before the word "highways"; further,

Amend S. 40 by striking in its entirety Section 8 and substituting in lieu thereof a new Section 8 to read as follows:

"Section 8. Public Roads, Streets, Highways and Bridges. Bond Proceeds and Investment Income in the amount of three hundred million dollars (\$300,000,000) are hereby appropriated and allocated to the State Highway

Department for payment of the costs of the planning, acquisition, construction and improvement of public roads, streets, highways and bridges, provided that ten percent (10%) of the moneys so appropriated and allocated to the State Highway Department shall be used to pay the costs of county roads and municipal streets, highways and bridges in accordance with the conditions hereinafter provided. The specific projects for the planning, acquisition, construction and improvement of public roads, streets, highways and bridges which are to be financed in full out of the Bond Proceeds and Investment Income hereby allocated to the State Highway Department (excluding the 10% portion thereof to be used for county roads and municipal streets, highways and bridges) shall include, but shall not be limited to, the following described projects:

### STATE PROJECTS

#### Major Bridges

Jackson County 1. Construction of a bridge (including related approaches thereto) crossing the Tennessee River at Scottsboro on Alabama Highway 35.

Pickens County 2. Construction of a bridge (including related approaches thereto) crossing the Tombigbee River at Pickensville.

Shelby and Talladega Counties 3. Construction of a bridge (including related approaches thereto) crossing the Coosa River at Childersburg on U. S. Highway 280.

Elmore County 4. Construction of a bridge (including related approaches thereto) crossing the Coosa River at the Wetumpka bypass on Alabama Highway 14.

Russell County 5. Construction of a bridge (including related approaches thereto) crossing the Chattahoochee River at the Phenix City north bypass.

Monroe County 6. Construction of a bridge (including related approaches thereto) crossing the Alabama River at Claiborne on U. S. Highway 84.

#### Local Projects

Autauga County 1. Replacement of bridges crossing Little Mulberry Creek on Alabama Highway 14 west of Autaugaville.

Baldwin County 1. Grading, draining, basing and paving in connection with the widening to four lanes (without median) of Alabama Highway 59 between Foley and its intersection with Interstate Highway 10.

Bibb County 1. Grading, draining and constructing a bridge or bridges on a new four-lane segment of U. S. Highway 82 between Eoline and its intersection with Alabama Highway 5.

Blount County 1. Widening to three lanes and resurfacing of U. S. Highway 231 between Oneonta and Rosa.

Butler County 1. Widening and resurfacing of Alabama Highway 10 between the Wilcox-Butler County line and the Butler-Crenshaw County line, except 4.51 miles thereof located within the city limits of Greenville.

Calhoun County 1. Grading, draining, basing and paving in connection with the construction of a two-lane northern bypass on U. S. Highway 278 near Piedmont between its intersection with Alabama Highway 9 and its crossing of Nance's Creek.

2. Recycling of materials from, and resurfacing of, Quintard Avenue in Anniston between P Street and 22nd Street and widening and resurfacing of U. S. Highway 78 between its intersection with Alabama Highway 21 at Oxford and its intersection with Alabama Highway 9 at Heflin.

Cherokee County 1. Widening, resurfacing and construction of passing lanes on U. S. Highway 411 between Gadsden and Leesburg.

Chilton County 1. Widening and resurfacing of Alabama Highway 22 between the Dallas County line and Maplesville.

2. Widening, resurfacing and installation of traffic signals on a segment of U. S. Highway 31 located in Jemison.

Choctaw County 1. Widening, resurfacing and construction of passing lanes on Alabama Highway 17 between Toxey and Butler.

Clarke County 1. Basing and paving a portion of U. S. Highway 84 in the vicinity of Whatley Mill.

Colbert County 1. Grading, draining, basing and paving in connection with the addition of two lanes to Alabama Highway 157 between its intersection with Alabama Highway 20 and the Lawrence County line.

Conecuh County 1. Widening and resurfacing of U. S. Highway 84 between its intersection with Interstate Highway 65 and Evergreen.

Coosa County 1. Widening and resurfacing of U. S. Highway 231 from the end of its four lane portion near Rockford to its intersection with County Road 49 at Hanover.

Crenshaw County 1. Widening and resurfacing of U. S. Highway 331 between Brantley and Luverne.

Cullman County 1. Construction of a bridge on the Cullman northeast bypass.

2. Construction of paved shoulders and resurfacing on Alabama Highway 157 between its intersection with Interstate Highway 65 and Battleground School.

Dale County 1. Grading, draining, basing and paving of Alabama Highway 134 between the Coffee-Dale County line and its intersection with Alabama Highway 85.

2. Grading, draining, basing and paving of the intersection of U. S. Highway 84 and Alabama Highway 92 at the Wicksburg Wye.

Dallas County 1. Widening and resurfacing of Alabama Highway 41 between the Wilcox-Dallas County line and its intersection with U. S. Highway 80.

2. Grading, draining and construction of a bridge or bridges in connection with the addition of two lanes to the existing two lanes of U. S. Highway 80 between its crossing of the Cahaba River and Browns.

Dekalb County 1. Grading, draining, basing and paving in connection with the widening to four lanes of Alabama Highway 35 between its intersection with U. S. Highway 11 and its crossing of Big Will's Creek.

Elmore County 1. Widening, resurfacing and construction of a bridge or bridges on Alabama Highway 14 between Wetumpka and Tallassee.

Fayette County 1. Widening and resurfacing of U. S. Highway 43 between its intersection with Alabama Highway 102 and Winfield.

Hale County 1. Grading and draining in connection with the addition of two lanes to the existing two lanes of U. S. Highway 80 from a point five miles east of Demopolis running east for five miles.

Henry County 1. Grading, draining and basing of a new four-lane segment of U. S. Highway 431 between a point in the vicinity of its intersection with Henry County Road 18 and Abbeville.

2. Grading, draining, basing, paving of, and construction of a bridge or bridges on, a new four-lane segment of U. S. Highway 431 between Headland and a point in the vicinity of its intersection with Henry County Road 18.

Houston County 1. Construction of intersection improvements at the intersection of Ross Clark Traffic Circle with the following public roads: U. S. Highway 431; U. S. Highway 231 at its northern intersection; U. S. Highway 84 at its western intersection; Denton Road; and Fortner Road.

Jefferson County 1. Construction of a bridge and related approaches on Alabama Highway 75 over the railroad track of the Louisville & Nashville Railroad near Pinson.

2. Grading, draining, basing and paving in connection with the widening to four lanes of Alabama Highway 75 between its intersection with Alabama Highway 151 and Pinson High School.

3. Grading, draining, basing and paving in connection with the widening to four lanes of Alabama Highway 79 near Pinson between a point one mile south of its intersection with Alabama Highway 151 and a point 1.3 miles north of said intersection.

4. Rehabilitation and resurfacing of U. S. Highway 11 between 30th Street in Bessemer and Lomb Avenue in Birmingham.

5. Grading, draining, basing, paving and construction of a bridge or bridges in connection with the construction of a Lake Griffin interchange southwest of Bessemer on Interstate Highway 59.

Lamar County 1. Widening and resurfacing of Alabama Highway 17 between Vernon and Millport.

Lauderdale County 1. Grading, draining, basing, paving and construction of a bridge or bridges on a new four-lane segment of Alabama Highway 20 between the Natchez Trace Parkway and Florence.

2. Grading, draining, basing and paving in connection with the construction of a turning lane on Alabama Highway 20 at Central High School.

Lawrence County 1. Basing, paving and construction of a bridge or bridges in connection with the construction of a four-lane Courtland bypass on U. S. Highway 72.

Lee County 1. Grading, draining, basing and paving in connection with the widening to three lanes of Wire Road at its intersection with Alabama Highway 267.

2. Grading, draining and construction of a bridge or bridges in connection with the addition of two lanes to the existing two lanes of U. S. Highway 431 between Salem and Motts.

3. Grading, draining, basing, paving and construction of a bridge or bridges on a public road running between the intersection of U. S. Highway 431 and Interstate Highway 85 and the intersection of U. S. Highway 431 with U. S. Highway 29 and a segment of U. S. Highway 431 between its intersection with U. S. Highway 29 and its crossing of the railroad tracks of Western Railway of Alabama.

Limestone County 1. Widening and resurfacing of Alabama Highway 251 between Athens and the Tennessee state line.

2. Widening and resurfacing of Alabama Highway 99 between Athens and its crossing of the Elk River.

Madison County 1. Grading, draining, basing, paving and construction of a bridge or bridges and related approaches on Memorial Parkway at its interchange with University Avenue.

2. Grading, draining, paving and construction of a bridge or bridges in connection with the addition of two lanes to the existing two lanes of U. S. Highway 431 between Big Cove and New Hope.

Marion County 1. Construction of a bridge and related approaches crossing the Northfork River on U. S. Highway 43 north of Hamilton.

Marshall County 1. Grading, draining, basing and paving of an addition of two lanes to the existing two lanes of U. S. Highway 431 between Guntersville and Henryville.

Mobile County 1. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between its crossing of Three Mile Creek and Larkwood Drive.

2. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between Larkwood Drive and Racine Avenue.

3. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between Racine Avenue and the vicinity of Clear Creek.

4. Grading, draining, basing and paving in connection with the widening to five lanes of U. S. Highway 98 between the urban limits of Mobile and the vicinity of Clear Creek.

5. Basing and paving of two lanes of Range Line Road from approximately one mile south of Island Road to its intersection with Interstate Highway 10.

Montgomery County 1. Widening and resurfacing of Alabama Highway 110 between its intersection with the Montgomery eastern bypass and its crossing of the railroad tracks of the Seaboard Coastline Railroad.

Morgan County 1. Widening and resurfacing of Alabama Highway 36 between Hartselle and its intersection with Alabama Highway 67.

Randolph County 1. Grading, draining, basing and paving of two lanes of U. S. Highway 431 between Swagg Road and Fosters Crossroads.

St. Clair County 1. Widening and resurfacing of U. S. Highway 411 between Leeds and Odenville.

2. Grading, draining, basing, paving and construction of a bridge or bridges in connection with construction of a State prison access road.

Shelby County 1. Widening and resurfacing of Alabama Highway 119 between its intersection with U. S. Highway 280 and the Lake Purdy Bridge.

2. Grading and draining of an addition of two lanes to the existing two lanes of U. S. Highway 280 between Harpersville and Childersburg.

Sumter County 1. Widening and resurfacing of U. S. Highway 11 between Livingston and York.

Talladega County 1. Grading, draining, basing, paving and construction of a bridge or bridges in connection with construction on U. S. Highway 231 of a two-lane western bypass of Talladega between its crossing of Talladega Creek and a point near the northern city limits of Talladega.

2. Grading, draining, basing and paving in connection with widening to five lanes of Alabama Highway 21 in Sylacauga between 10th Street and Country Club Road.

Tallapoosa County 1. Grading, draining, basing and paving of a new four-lane segment of U. S. Highway 280 between Alabama Highway 22 and its crossing of the Tallapoosa River.

Wilcox County 1. Widening and resurfacing of Alabama Highway 10 between Camden and Oak Hill.

Out of the total Bond Proceeds and Investment Income appropriated and allocated to the State Highway Department, the sum of \$30,000,000 (viz., 10% of the total amount so appropriated and allocated to the State Highway Department) shall be made available for the payment of eighty percent (80%) of the costs of projects for constructing or improving county roads and municipal streets, highways and bridges. The \$30,000,000 appropriated to the counties and municipalities shall be distributed according to the formula for the distribution of gasoline and lubricating oil tax proceeds as set forth in subsection (2) of Section 40-17-223, Code of Alabama 1975.

The share of Bond Proceeds and Investment Income allocated to any particular county shall not be used to pay the costs of any project unless

(a) such portion shall be selected by such county, or a municipality located therein, for submission to the State Highway Department;

(b) the plans for such project prepared by, or under the supervision of, the county engineer or the city engineer, as the case may be, shall be submitted to the State Highway Department;

(c) the project shall be approved by the State Highway Department and an agreement respecting the administration and construction of the project (in such form as shall be prescribed by the State Highway Department) shall be entered into between the State Highway Department and the county or the municipality undertaking such project;

(d) the State Highway Department shall be furnished evidence satisfactory to it that the county or municipality undertaking such project has on hand the funds necessary to pay twenty percent (20%) of the total cost of such project; and



(e) the construction of such project shall conform to the standards and specifications of the State Highway Department and shall be carried out under the inspection and supervision of the county or city engineer, as may be appropriate, or such other registered engineer as may be directed by the State Highway Department.

Only eighty percent (80%) of the total cost of any project undertaken by any county or municipality shall be paid out of the moneys allocated to a particular county pursuant to this section, and the remaining twenty percent (20%) of the total cost of such project shall be paid from funds provided by the county or municipality undertaking such project. Moneys obligated by the State Highway Department to any project pursuant to this section shall be applied to pay for completed work on such project as such work progresses, and such moneys shall be disbursed according to such procedure as shall be prescribed by the State Highway Department with the approval of the Director of Finance.

The State Highway Department shall give notice to the counties of the availability of any Bond Proceeds or Investment Income to be respectively allocated to the counties pursuant to this section, and the moneys with respect to which notice shall be given shall remain available for projects to be undertaken by the counties, or by municipalities therein, for a period of one year after such notice is given, and any moneys covered by such notice which are not obligated to a project within such period of one year may be used by the State Highway Department to pay the capital costs of any construction or improvement of any road, highway or bridge anywhere in the State.

Any provision of this Act to the contrary notwithstanding, no Bond Proceeds or Investment Income appropriated and allocated to the State Highway Department pursuant to this section (including the portion thereof allocated to the counties of the State) shall be used to acquire machinery or equipment to be used in the construction or maintenance of roads, highways and bridges."

Mr. Miller moved that said amendment be laid on the table, which resulted in a tie vote.

Yeas 15; Nays 15.

*Yeas:*

Messrs.	Gulledge	Kirkland	Mitchem
Bailey	Harrison	Lemaster	Robertson
Britnell	Higginbotham	Little	St. John
Goodwin	Holmes	Miller	Taylor

—15

*Nays:*

Messrs.	deGraffenried	Hilliard	Parsons
Barron	Denton	Keener	Smith
Callahan	Glass	Martin	Vacca
Cook	Hall	McDonald	White

—15

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to table was lost.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Mitchell, Moore, Shoemaker, Dial, Roberts, Sandusky, Carter, Venable, McMillan, Cabaniss, Hall, Cosby, Patton, Harper (T), Minus, Bedsole, Pegues, Smith (J) and Penry:

H. 71. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 71. To the Committee on Finance and Taxation.

THIRD EXTRAORDINARY SESSION  
**5th Day**

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ADJOURNMENT

At 5:30 P.M., on motion of Mr. Cook, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 40, the Senate adjourned until Thursday, November 12, 1981, at 11:50 A.M.

## SIXTH LEGISLATIVE DAY

THURSDAY, NOVEMBER 12, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Edward Johnson, Minister, First Presbyterian Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. Pearson, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 23. RELATIVE TO MEETING ON TUESDAY, NOVEMBER 17, 1981.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 20. REQUESTING THAT ALL INTER-COLLEGIATE SPORTING EVENTS OF STATE-SUPPORTED SCHOOLS HELD IN THE STATE OF ALABAMA BE PRECEDED BY PUBLIC PRAYER.

Also:

S. J. R. 21. COMMENDING MR. MARVIN LEWIS OF DOTHAN, ALABAMA, RETIRED COCA-COLA BOTTLING COMPANY OFFICIAL AND PROMINENT WIREGRASS CITIZEN.

JOHN W. PEMBERTON,  
Clerk.

RECESS

At 12:10 P.M., on motion of Mr. Pearson, the Senate took a recess until 1:20 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

BILLS ON THIRD READING

The Bill:

S. 53. To provide that State Legislators' travel expenses shall be treated for state income tax purposes in the same manner as for federal income tax purposes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Parsons
Barron	Glass	Keener	Pearson
Britnell	Goodwin	Lemaster	Robertson
Callahan	Gulledge	Little	St. John
Cook	Hall	McDonald	Taylor
deGraffenried	Higginbotham	Mitchem	Weeks

—23

*Nays:*

—0

RESOLUTION

Messrs. Lemaster and McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. REQUESTING MR. CHARLES W. SHUMAN, ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION IN WASHINGTON, D. C., TO AUTHORIZE A MORATORIUM ON REPAYMENT OF FARM LOANS.

WHEREAS, vast numbers of our nation's farmers are suffering the inroads of inflation, facing ever-rising and increasingly steeper costs for equipment, fertilizer, feed, insecticides and other operational necessities; and

WHEREAS, in order to continue operating, our farmers have been forced to seek loans from the Farmers Home Administration with farm debts increasing more than 60% within the past four years, from 1.4 to 1.8 billion dollars, in the state of Alabama alone; and

WHEREAS, with no relief in sight from inflationary costs, our nation's farmers are finding it alarmingly more difficult, if not impossible, to repay their indebtedness while continuing to produce the necessary food supplies for our country; and

WHEREAS, the Alabama Legislature is deeply concerned, not only for the plight of our farmers in Alabama, but those nationwide as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in order to avert impending financial disaster in the farming sector and to avoid placing our nation's food supply in jeopardy, we hereby call upon Mr. Charles W. Shuman, Administrator of the Farmers Home Administration in Washington, D. C., to authorize a moratorium on repayment of farm loans.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. Shuman, to the FmHA State Director, Mr. Dale N. Richey, to the United States Commissioner of Agriculture and to the Alabama Farm Bureau Federation.

On motion of Mr. Lemaster, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 3. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

was read a third time at length and passed.

Yeas 17; Nays 3.

Yeas:

Messrs.:	Glass	Martin	Parsons
Bailey	Goodwin	McDonald	Smith
Barron	Gulledge	Miller	Taylor
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener		

—17

Nays: Messrs. Hall, Hilliard and Little.

—3

The Bill:

S. 47. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Holmes	Miller	Vacca
Cook	Keener	Mitchem	Weeks
Denton	Little	Parsons	White
Glass			

—20

Nays: —0

The Bill:

S. 25. Relating to the eradication of brucellosis in livestock: To make an appropriation to the Department of Agriculture and Industries for the fiscal year 1981-1982 from the general fund into the agricultural fund; to indemnify owners of livestock for the value of any livestock ordered condemned and destroyed for the prevention of brucellosis in livestock.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 25, to-wit:

COMMITTEE AMENDMENT TO S. B. 25

Amend Senate Bill 25 on Page 2, in Section 1, after line 7, by inserting the following:

"If said appropriation is not expended by the Agriculture Department for the purposes provided by this act by the end of the 1981-82 fiscal year, said money shall revert to the general fund."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	Taylor
Bailey	Hall	McDonald	Teague
Britnell	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	Weeks
Denton	Lemaster	Parsons	White
Glass	Little	Smith	

—22

Nays: —0

And said Bill, S. B. 25, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Britnell	Higginbotham	Martin	Teague	
deGraffenried	Hilliard	McDonald	Vacca	
Denton	Holmes	Miller	Weeks	
Glass	Keener	Mitchem	White	
Goodwin	Kirkland	Parsons		—26

*Nays:* —0

The Bill:

H. 22. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Mitchem	
Bailey	Glass	Keener	Parsons	
Barron	Goodwin	Kirkland	Smith	
Britnell	Gulledge	Little	Taylor	
Cook	Hall	Martin	Vacca	
deGraffenried	Higginbotham	McDonald	White	
				—23

*Nays:* —0

The Bill:

S. 14. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

*Yeas:*

Messrs.:	Glass	Kirkland	St. John	
Bailey	Goodwin	Lemaster	Smith	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Parsons	Vacca	
Cook	Holmes	Robertson		—18

*Nay:* Mr. Little. —1



RESOLUTIONS

Messrs. Hilliard and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. COMMENDING MRS. BEVERLY POOLE BAKER FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND CIVIC INVOLVEMENT.

WHEREAS, Mrs. Beverly Poole Baker, who attended Los Angeles High School, is a senior at the University of Alabama in Birmingham where she has appeared on the Dean's List each quarter since admission to UAB in 1979, maintaining a 2.97 grade point average on a 3.00 scale; and

WHEREAS, Mrs. Baker, who is married to Birmingham City Attorney, James K. Baker, and is the mother of three children, was named 1980 Outstanding Undergraduate Student in the Department of Urban Studies, was the recipient of the University Honors Scholarship Award for the years 1980-81 and 1981-82; and was the 1980 UAB nominee for the Harry S. Truman Scholarship Award; and

WHEREAS, in 1981, she also won the Dean's Award as the Outstanding Undergraduate Student in the School of Social and Behavioral Sciences and she is a member of Phi Beta Phi Honor Society; and

WHEREAS, Mrs. Baker is most particularly to be commended on her paper, "Propinquity and Police Patrol," which was presented at the Mid-South Sociological Association Annual Meeting and was selected as the Outstanding Undergraduate Paper, the first time such an award has been won by a student at UAB; and

WHEREAS, in community service, Mrs. Baker is involved as a board member of the Advent Episcopal Association for Education since 1976, on the Jefferson County Medical Examiners' Commission since its inception, chairing the sub-committee on Ethics, and on the Institutional Review Board of the University of Alabama in Birmingham; and

WHEREAS, she is a former board member of the Alabama Foundation for Hearing and Speech, the Greater Birmingham Arts Alliance, Birmingham Symphony Association, the Birmingham Beautification Board which she served as Legislative Liaison, Birmingham Festival of Arts and the Jefferson County Planning and Zoning Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Beverly Pool Baker for outstanding academic achievement and community involvement, and direct that she receive a copy of this resolution, in token of our sincere warm praise and regard.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Hilliard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. COMMENDING THE BIRMINGHAM HERITAGE BAND, CONDUCTED BY BANDMASTER AMOS GORDON OF THE BIRMINGHAM'S JAZZ HALL OF FAME.

WHEREAS, members of the Democratic Executive Committee were recently entertained aboard the General Richard Montgomery Riverboat by the Birmingham Heritage Band under the direction of Amos Gordon, retired

Bandmaster of Jackson-Olin High School who is a member of Birmingham's Jazz Hall of Fame and has played with Louis Armstrong, Billie Holliday, Lucky Millender, Erskine Hawkins, Andy Kirk, Fess Whatley, Ike Williams and the Imperial Wings of Rhythm as well as other notable groups; and

WHEREAS, playing alto sax for the band are: Assistant Conductor Frank Adams of the Birmingham Jazz Hall of Fame who is supervisor of Bands in the Birmingham Schools and has played with Duke Ellington, Sonny Blount (Sun Ra), and Fess Whatley, to name a few; also Grailor Price who is Bandmaster at Hill School as well as the very talented Lonnie Jones; J. L. Lowe on baritone sax is the band's business manager, retired principal of Carver High School and a former player with the Bama State Collegians, Fess Whatley, Imperial Wings of Rhythm, Ike Williams and others; and

WHEREAS, members of the band also include, on tenor sax: Newman Terrell who is a retired principal of McCaw School, also a member of the Birmingham Jazz Hall of Fame who has played with the Bama State Collegians, Kentucky State Collegians, Fess Whatley, Imperial Wings of Rhythm and others; Ralph Cook, head of the McAdory High School science department who, among others, has played with the Bama State Collegians and Ike Williams; and Ronald Baldwin the third virtuoso on tenor sax with the Birmingham Heritage Band; and

WHEREAS, Collins Berry, outstanding on trumpet, is one of five with the Birmingham Heritage Band, joined by: Assistant Conductor Williams Johnson, III, Bandmaster at Abrams High School who has played with Fess Whatley and is also a former U. S. Army Bandmaster; Walter Wallace who is a bandmaster with the Birmingham School System; Birmingham's Jazz Hall of Fame member Charles Daniels who also is Bandmaster at Graymont and McCaw Schools and has played with bands in North Carolina, the Bama State Collegians and Cavaliers, Ike Williams and Fess Whatley; George Washington who has played with Ike Williams and is Director of Gaston Boys Club is another of the band's versatile trumpeters along with Joseph Sanford, retired head of the history department of Carver High who was with the Bama State Collegians (Erskine Hawkins) when they left the college and also played with the Society Troubadours and Sonny Blount (Sun Ra) among others; and

WHEREAS, effectively in command playing bass is Joseph Smith as well as postal employee Fred Miles who is a former player with Ike Williams; then, there is Larry Plump who displays his extraordinary talent on drums; and

WHEREAS, the three trombonists are: James Whitney who is a retired professional musician, formerly with Louis Armstrong, Cab Calloway and others; Donald McGraw, who is Bandmaster at Riggins School; and Kenneth Kudkins, another of the band's outstanding talents; and

WHEREAS, in providing entertainment throughout the State of Alabama, the Birmingham Heritage Band also features four celebrated vocalists including: Henry Blankenship who has appeared with a number of Birmingham bands, as well as U. S. service bands; the super talented songstress, Ms. Sheryl Goggans; and song stylist Mike Johnson, as well as the ever-popular Everett Strickland; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Magic City's Birmingham Heritage Band; we further express our sincere

appreciation for their recent appearance on the General Richard Montgomery and direct that a copy of this resolution be provided for each member of the band in token of our utmost praise and regard.

On motion of Mr. Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1. To establish a lifetime resident hunting license, a lifetime resident fishing license, and a combination lifetime resident hunting and fishing license; to provide for the deposit of the proceeds into a special account in the Game and Fish Fund, to be called the Alabama Game and Fish Endowment Fund, and to prescribe the manner in which said account will be administered.

was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Glass	Kirkland	Robertson
Bailey	Goodwin	Lemaster	St. John
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried	Keener	Parsons	White

—27

Nays: —0

The Bill:

S. 65. To make a supplemental appropriation from the Alabama special educational trust fund to the Alabama Department of Youth Services for the fiscal year ending September 30, 1982, for the purposes of subsidizing in part certain regional juvenile detention centers and other purposes; and to state legislative intent.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Goodwin	Kirkland	Robertson
Bailey	Gulledge	Little	Smith
Britnell	Hall	Martin	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Hilliard	Mitchem	Weeks
Denton	Holmes	Proctor	White
Figures	Keener		

—25

Nays: Messrs.: Barron and Taylor. —2

On motion of Mr. Bailey, his name and the name of Mr. Keener were added as co-sponsors of the above numbered Bill, S. B. 65.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 3. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Also:

H. 22. To amend Section 15-22-32, Code of Alabama 1975, relating to the holding of parole courts by the board of pardons and paroles for alleged parole violations, so as to provide further for the holding of such parole courts.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 5. To amend Act No. 81-665, H. 327, Regular Session 1981, which provides for the levy of a sales tax on the sale of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale in this state from any person, firm or corporation not a licensed dealer engaged in selling automotive vehicles, truck trailers, semitrailers, or house trailers, within the state; to provide that the tax collector collect the tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semi-trailer, or house trailer; to provide for the levy of an excise or use tax in lieu of the excise tax levied by Section 40-23-61 (c), Code of Alabama 1975, as amended on the storage, use or other consumption in the state of any automotive vehicle, truck trailer, semitrailer, or house trailer required to be registered or licensed with the judge of probate or other licensing authority of any county in this state and purchased other than at wholesale outside the state on or after July 1, 1981, for storage, use or other consumption in this state; to require the tax collector to collect such tax from the purchaser before the registration or licensing of any such automotive vehicle, truck trailer, semi-trailer, or house trailer in this state; to provide for the allowance of a fee on taxes collected to the tax collector; to provide for the distribution of the tax collected; to require the license commissioner to collect the tax in counties where such office has been established pursuant to a local law or general law of local application; and to provide for reciprocity so as to increase the fees for the collection of such tax.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 5, to-wit:

COMMITTEE AMENDMENT TO S. B. 5

Amend S. B. 5 by deleting in its entirety the sentence beginning with the word "Such" on line 17 page two. Further amend S. B. 5 on line 23 page two by deleting the word "tax" and substituting therefor the word "tax".

Which was adopted.

Yeas 15; Nays 0.

*Yeas:*

Messrs.:	Higginbotham	Little	Taylor	
Goodwin	Holmes	Mitchem	Vacca	
Gulledge	Keener	Proctor	White	
Hall	Kirkland	Smith		—15
	Lemaster			

*Nays:* —0

And said Bill, S. B. 5, as thus amended, was read a third time at length and lost for failure to receive the required Constitutional majority.

Yeas 9; Nays 5.

*Yeas:*

Messrs.	Holmes	Martin	Mitchem	
deGraffenried	Keener	Miller	Proctor	
Goodwin	Lemaster			—9

*Nays:* Messrs.: Barron, Higginbotham, Hilliard, Parsons and Smith. —5

Mr. Smith moved that the Senate reconsider the vote by which the Bill, S. B. 5, was lost, and further moved that the motion to reconsider be postponed temporarily. The motion to postpone the motion to reconsider was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1. To establish a lifetime resident hunting license, a lifetime resident fishing license, and a combination lifetime resident hunting and fishing license; to provide for the deposit of the proceeds into a special account in the Game and Fish Fund, to be called the Alabama Game and Fish Endowment Fund, and to prescribe the manner in which said account will be administered.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been

publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 24. REQUESTING MR. CHARLES W. SHUMAN, ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION IN WASHINGTON, D.C., TO AUTHORIZE A MORATORIUM ON REPAYMENT OF FARM LOANS.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 5. Relating to Marion County; amending Section 1 of Act No. 108, H. 78, 1978 Regular Session (Acts 1978, p. 1825), relating to an additional expense allowance for members of the county board of education, so as to increase the amount of such allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Britnell	Hall	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland	Proctor	White	
Glass	Lemaster			—25

*Nays:* —0

The Bill:

H. 51. Relating to the method of giving notice of the procedure for service of summoning witnesses and summons and complaints in Crenshaw County so that such service and subpoenas may be by United States mail in the county under certain conditions.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Cook	Goodwin	Keener
Bailey	Denton	Harrison	Kirkland
Barron	Figures	Hilliard	Little
Britnell	Glass	Holmes	Martin

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Miller	Pearson	Taylor	Weeks	
Mitchem	Proctor	Vacca	White	
Parsons	St. John			—25
Nays:				—0

The Bill:

H. 88. Relating to the practice of barbering in Escambia County; to regulate further the training and licensing of barbers and conditions under which barbers and cosmetologists may work in such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Hilliard	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Kirkland	Proctor	Weeks	
Cook	Little	St. John	White	
Denton	Martin			—25
Nays:				—0

The Bill:

H. 39. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

was taken up.

REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (G), Drinkard, Mitchell, Moore, Shoemaker, Dial, Roberts, Sandusky, Carter, Venable, McMillan, Cabaniss, Hall, Cosby, Patton, Harper (T), Minus, Bedsole, Pegues, Smith (J) and Penry:

H. 71. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher

education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harvey (with notice and proof) (With Amendment):

H. 82. To authorize the Blount County Commission to provide protection against forest fires within the county to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Stout (with notice and proof):

H. 84. Relating to DeKalb County; authorizing the county commission to employ a county revenue officer to collect county taxes and to inspect licenses.

By Rep. Coburn:

H. 98. Proposing an amendment to the Constitution of 1901, authorizing the legislature to abolish the separate offices of tax assessor and tax collector in Colbert County and to provide for the consolidation of the duties of said office into a new office.



The above Bill was read a second time at length as required by the Constitution.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Hines (with notice and proof) (With Substitute):

H. 85. Relating to Escambia County, providing for the payment of one-third of the moneys received by Escambia County under the provisions of Act No. 2, General Acts 1945, page 20, and under Act No. 2057, General Acts 1971, page 3317 (Sections 40-20-1 through 40-20-13, 1975 Code of Alabama) to the Escambia County Board of Education; to provide for its use; to provide a method for its distribution; and to repeal Local Act No. 344, Acts of Alabama 1953, page 407, Local Act No. 883, Acts of Alabama 1978, page 1312, Local Act No. 612, Acts of Alabama 1978, page 869, and Local Act No. 894, Acts of Alabama 1978, page 1330, and all other acts in conflict.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hines (with notice and proof) (With Amendment):

H. 95. Relating to Escambia County; providing further for the compensation and clerical assistance for the county tax assessor and the tax collector.

By Rep. Hines (with notice and proof) (With Amendment):

H. 96. To provide that the Judge of Probate of Escambia County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for a minimum number of employees who shall serve at the pleasure of said Judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 67. To amend Section 36-29-1 of the Code of Alabama 1975, relating to the state employees' health insurance plan, so as to extend eligibility for coverage to certain employees who are employed less than full-time by the State of Alabama.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard (with notice and proof):

S. 32. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

By Mr. Hilliard (with notice and proof):

S. 33. To provide members of the governing body of Class I cities in Alabama and all cities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

By Mr. Hilliard (with notice and proof):

S. 34. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census. Section 3.05 is hereby amended.

By Mr. Hilliard (with notice and proof):

S. 35. To further amend Section 4.06(9) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to provide that both the number and salary of the mayor's assistants shall be determined by the mayor

By Mr. Hilliard (with notice and proof):

S. 36. Relating to Class I municipalities, to authorize the mayor of any Class I city of this state to employ for and in behalf of said City a Chief Administrative Assistant to the Mayor, to provide that the salary of the Chief Administrative Assistant shall be determined by the Mayor, and to provide that such employee shall not be subject to any merit system.

### INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Figures:

S. 68. To propose a constitutional amendment creating a reserve fund to be invested by the state treasurer with the advice and consent of a select committee.

Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Sandusky, Roberts, Carter, Venable, McMillan, Cabaniss, Hall, Cosby, Mitchell, Harper (T), Bedsole, Pegues, Penry, Starkey and Smith (J):

H. 72. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in offshore oil, gas and other hydrocarbon minerals, create a board of trustees to manage such trust fund and prescribe the powers thereof, provide for the investment of moneys held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, limit the liability of individual members of the board of trustees of such trust fund, and establish a legislative oversight commission.

Also:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Roberts, Sandusky, Carter, Venable, McMillan, Harper (T), Cabaniss, Cosby, Bedsole, Mitchell, Minus, Hall, Pegues, Starkey, Smith (J) and Penry:

H. 74. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B's 72 and 74. To the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 72, was read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Moore, Hall, Shoemaker, Owens, Dial, Roberts, Sandusky, Carter, Venable, McMillan, Harper (T), Cabaniss, McKee, Cosby, Bedsole, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. 78. To appropriate six million dollars (\$6,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 78. To the Committee on Finance and Taxation.

### FURTHER CONSIDERATION OF H. B. 39

The Senate proceeded to further consideration of the Bill, H. B. 39.

On motion of Mr. Pearson, further consideration of the Bill, H. B. 39, was postponed temporarily.

### RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 27. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the sixth legislative day of the third Special Session 1981 only:

#### BILL NO. PAGE NO. DESCRIPTION

H. B. 37	25	AL Housing Finance Auth.
S. B. 45	6	Oil & Gas Money, bonds
S. B. 38	8	Oil & Gas, trust fund, monitor
S. B. 43	5	Scientific Res. & Dev. program
H. B. 15	16	Prov. for descent and dis. of personalty
S. B. 2	4	Empl.'s step pay increase, certain
S. B. 23	12	Recreation Capital Dev. Assist. Fund

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

### UNFINISHED BUSINESS

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

as amended, which said amendments are set out in the Journal of the Senate for the Fifth Legislative Day. The question was on the third amendment offered by Mr. Smith.

On motion of Mr. Goodwin, said amendment was laid on the table.

Yeas 20; Nays 12.

*Yeas:*

Messrs.:	Harrison	Lemaster	Robertson
Bailey	Higginbotham	Little	St. John
Britnell	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Teague
Goodwin	Kirkland	Proctor	Weeks
Gulledge			

—20

*Nays:*

Messrs.:	deGraffenried	Martin	Smith
Barron	Figures	Parsons	Vacca
Callahan	Hilliard	Pearson	White
Cook			

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The question then recurred on the amendment offered by Mr. Keener, which said amendment is set out in the Journal of the Senate for the Fifth Legislative Day.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Carter, Roberts, Venable, McMillan, Cabaniss, Cosby, Patton, Mitchell, Harper (T), Minus, Pegues, Bedsole, Hall, Starkey, Smith (J) and Penry:

H. 75. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities, in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 75. To the Committee on Finance and Taxation.

(The above Bill was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Sandusky, Roberts, Carter, Venable, McMillan, Cabaniss, Cosby, Patton, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. 76. To appropriate ten million dollars (\$10,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the support and encouragement of educational, agricultural, maricultural and industrial activities involving basic and applied scientific research and development.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 76. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren (with notice and proof):

H. 104. Relating to Conecuh County; legalizing the sale of draft or keg beer or malt beverages, any laws to the contrary notwithstanding; and providing for the levy, collection and distribution of tax on such draft or keg beer or malt beverages.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 104, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Goodwin (with notice & proof):

H. 105. Relating to Colbert County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle

licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 105, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 104 and 105. To the Committee on Local Legislation No. 1.

### FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended. The question was on the amendment offered by Mr. Keener.

On motion of Mr. Kirkland, said amendment was laid on the table.

Yeas 17; Nays 14.

#### Yeas:

Messrs.:	Harrison	Miller	St. John	
Britnell	Higginbotham	Mitchem	Taylor	
Denton	Holmes	Proctor	Teague	
Goodwin	Kirkland	Robertson	Weeks	
Hall	Lemaster			—17

#### Nays:

Messrs.:	deGraffenried	Martin	Smith	
Bailey	Glass	Parsons	White	
Barron	Gulledge	Pearson		—14
Callahan	Keener			
Cook	Little			

The question then recurred on the Smith amendment No. 1, which said amendment is set out in the Journal of the Senate for the Fifth Legislative Day.

Mr. Miller moved that said amendment be laid on the table, which motion was lost.



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Yeas 6; Nays 24.

*Yeas:*

Messrs.: Barron	Figures Miller	Robertson Taylor	Weeks  —6
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*Nays:*

Messrs.: Bailey Callahan Cook deGraffenried Denton Glass	Gulledge Harrison Higginbotham Hilliard Holmes Keener	Kirkland Lemaster Little Martin McDonald Mitchem	Parsons Proctor St. John Smith Teague Vacca  —24
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And said amendment was then adopted.

Yeas 31; Nays 2.

*Yeas:*

Messrs.: Bailey Barron Britnell Callahan Cook deGraffenried Denton	Glass Goodwin Gulledge Hall Harrison Higginbotham Hilliard Holmes	Keener Kirkland Lemaster Little Martin McDonald Mitchem Parsons	Pearson Proctor St. John Smith Taylor Teague Vacca White  —31
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*Nays:* Messrs.: Miller and Weeks. —2

Mr. Parsons offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40, Page 8, Line 31, by inserting after the words "savings and loan associations" the words "or credit unions"

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 17; Nays 9.

*Yeas:*

Messrs.: Bailey Britnell deGraffenried Goodwin	Gulledge Harrison Higginbotham Holmes Lemaster	Little Martin McDonald Mitchem	Smith Teague Vacca White  —17
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*Nays:*

Messrs.: Barron Callahan	Denton Hilliard Keener	Miller Parsons	Pearson Robertson  —9
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Mr. Pearson offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill 40 Page 2 line 8 by inserting after the word "Commission", the following:

"and (xii) The Alabama Special Educational Trust Fund for capital outlay purposes;";

Further amend said bill on page 20, Section 9, on line 34 by inserting the following:

"Section 9A. The Alabama Special Educational Trust Fund. Bond proceeds and Investment Income in the amount of thirty million dollars (\$30,000,000) are hereby appropriated to the Alabama Special Educational Trust Fund as reimbursement for funds appropriated in Act 934 Section 2 Sub-section III-C-57 of the 1975 Regular Session and shall be appropriated by the Legislature for buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education.";

Further amend said bill on page 9, Section 8, line 28 by striking the following: "three hundred million (\$300,000,000)", and inserting in lieu thereof the following:

"two hundred and ninety million dollars (\$290,000,000)";

Further amend said bill on page 18 on lines 12, 17 and 19 by striking the figure "\$30,000,000" and inserting in lieu thereof the following figure:

"\$29,000,000";

Further amend said bill on page 23, Section 12 line 12 by striking the following: "fifty million dollars (\$50,000,000)", and inserting in lieu thereof the following:

"forty million dollars (\$40,000,000)"; and

Further amend said bill on page 20, Section 9, line 28 by striking the figure "\$45,000,000", and insert in lieu thereof the following figure:

"\$35,000,000".

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 24; Nays 10.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Britnell	Higginbotham	Miller	Taylor
Callahan	Holmes	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Kirkland	Robertson	White
Glass			

—24

*Nays:*

Messrs.:	Hall	Martin	Pearson
Cook	Harrison	McDonald	Weeks
Figures	Hilliard	Parsons	

—10

Mr. Callahan offered the following substitute for the Bill, S. B. 40, as amended, to-wit:

SUBSTITUTE FOR S. B. 40

A BILL  
TO BE ENTITLED  
AN ACT

To propose a constitutional amendment pledging interest accrued from the reserve fund to certain projects.

Be It Enacted by the Legislature of Alabama:

Section 1. An amendment to the Constitution of Alabama is hereby proposed, and shall become valid as a part thereof when adopted and proclaimed as prescribed by law.

PROPOSED AMENDMENT

The interest accrued by the reserve fund created by the constitutional amendment proposed by Senate Bill , 1981 Third Special Session and paid into the general fund of the state shall be pledged to the following recipients. The pledges in Item 1 and 2 shall be the first paid.

1. Board of Corrections: Such amount as necessary to meet fully the appropriation provided by Act 81-764, 1981 Regular Session.
2. Department of Mental Health: Such amount as necessary to meet fully the appropriation provided by Act 81-770, 1981 Regular Session.
3. Alabama Housing Finance Authority: ..... \$19,500,000
4. Counties of the state for feeding and housing state prisoners: ... \$6,000,000
5. High Technology Research Fund for Higher Education: ... \$10,000,000
6. Public School Classroom Renovation: ..... \$150,000,000
7. Bridges and Highways: ..... \$300,000,000
8. Board of Corrections for Tennessee Valley Prison: ..... \$20,000,000
9. Mobile Ship Channel: ..... \$50,000,000
10. Highway Department Building: ..... \$10,000,000
11. Capitol Renovation: ..... \$12,000,000

- 12. Conservation Department: . . \$7,000,000
- 13. Department of Youth Services: \$6,000,000
- 14. State Coliseum Renovation: . \$2,000,000

After all pledges provided in this amendment are fully paid, the accrued interest from said reserve fund shall be paid into the general fund.

The legislature shall have authority to enact necessary legislation to appropriate and administer the money pledged.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

On motion of Mr. Teague, said substitute was laid on the table.

Yeas 24; Nays 7.

*Yeas:*

Messrs.:	Hall	Little	Proctor
Bailey	Harrison	Martin	Robertson
Britnell	Higginbotham	McDonald	St. John
deGraffenried	Holmes	Miller	Smith
Denton	Keener	Mitchem	Teague
Figures	Lemaster	Pearson	White
Goodwin			

—24

*Nays:*

Messrs.:	Callahan	Glass	Parsons
Barron	Cook	Kirkland	Taylor

—7

#### MOTION TO ADJOURN LOST

At 7 o'clock P.M., Mr. Kirkland moved that the Senate adjourn until Tuesday, November 17, 1981, at 11 o'clock A.M.

Mr. Hall offered a substitute motion that the Senate adjourn until Tuesday, November 17, 1981, at 12 o'clock Noon, which motion was lost.

The question recurred on the motion of Mr. Kirkland that the Senate adjourn until Tuesday, November 17, 1981, at 11 o'clock A.M., which motion was lost.

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Yeas 14; Nays 19.

*Yeas:*

Messrs.:	Figures	Hilliard	Taylor
Bailey	Glass	Kirkland	Vacca
Barron	Gulledge	Parsons	Weeks
Cook	Higginbotham	Smith	

—14

*Nays:*

Messrs.:	Harrison	Martin	Proctor
Britnell	Holmes	McDonald	Robertson
deGraffenried	Keener	Miller	St. John
Denton	Lemaster	Mitchem	Teague
Hall	Little	Pearson	White

—19

MOTION TO RECESS LOST

At 7:05 P.M., Mr. Higginbotham moved that the Senate take a recess until 8:30 this evening, which motion was lost.

Yeas 8; Nays 22.

*Yeas:*

Messrs.:	Figures	Kirkland	Parsons
Barron	Higginbotham	Little	Taylor
Cook			

—8

*Nays:*

Messrs.:	Glass	Martin	St. John
Bailey	Harrison	McDonald	Smith
Britnell	Hilliard	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
deGraffenried	Keener	Pearson	White
Denton	Lemaster	Proctor	

—22

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40, as amended.

Mr. Kirkland offered the following amendment to the Bill, S. B. 40, as amended, to-wit:

AMENDMENT TO S. B. 40, AS AMENDED

Amend Senate Bill No. 40 Page 23, Line 30, by striking out "the period" after the word "appropriate" and inserting the following:

"provided however that the State Capitol Building and any legislative offices upon which these funds are spent, shall be made fully and completely accessible to the handicapped citizens of our state and specifically the offices of our Lt. Governor, Speaker of the House and legislative committee rooms and offices."

## ADJOURNMENT

At 7:10 P.M., on motion of Mr. Teague, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, S. B. 40, the Senate adjourned until Tuesday, November 17, 1981, at 10:30 A.M.

## SEVENTH LEGISLATIVE DAY

TUESDAY, NOVEMBER 17, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Charles Stroud, Pastor, Ridgecrest Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Glass	Kirkland	Proctor	

—34

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Figures for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 20. REQUESTING THAT ALL INTER-COLLEGIATE SPORTING EVENTS OF STATE-SUPPORTED SCHOOLS HELD IN THE STATE OF ALABAMA BE PRECEDED BY PUBLIC PRAYER.

Also:

S. J. R. 21. COMMENDING MR. MARVIN LEWIS OF DOTHAN, ALABAMA, RETIRED COCA-COLA BOTTLING COMPANY OFFICIAL AND PROMINENT WIREGRASS CITIZEN.

Also:

S. J. R. 24. REQUESTING MR. CHARLES W. SHUMAN, ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION IN WASHINGTON, D. C., TO AUTHORIZE A MORATORIUM ON REPAYMENT OF FARM LOANS.

ALBERT McDONALD,  
Chairman.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lewis and Howard:

H. J. R. 34. CONGRATULATING THE BESSEMER JESS LANIER HIGH SCHOOL CHEERLEADERS UPON THEIR FIRST PLACE STATE AWARD BY THE NATIONAL FEDERATION OF AMERICAN CHEERLEADERS.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 34, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.



MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rains:

H. J. R. 30. REQUESTING THE SERVICE DIVISION OF THE STATE FINANCE DEPARTMENT TO PROVIDE THAT STATE TELEPHONE OPERATORS MAINTAIN A NORMAL WEEKDAY SCHEDULE OF ALL DAYS THAT THE LEGISLATURE IS IN SESSION.

WHEREAS, State telephone operators are on duty from 7:00 a.m. until 11:30 p.m. on weekdays, and from 9:00 a.m. until 5:00 p.m. on weekends and holidays; during these hours the State's WATS line can be made available by an operator to members of the Legislature anywhere in the State; and

WHEREAS, when the Legislature is in session on a holiday, however, as is the case on Veterans Day, 1981, the State's WATS line is unavailable for business use by members of the Legislature during early morning and late evening hours, except from phones located in the Capitol itself or in other state buildings; and

WHEREAS, the pressing affairs of government are such that it is oftentimes necessary for legislators to place business calls outside the nine-till-five holiday hours, thus it is necessary that normal service be available when the House and Senate are in session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Service Division of the State Finance Department to provide that State telephone operators maintain a normal weekday schedule on all days that the Legislature is in session.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to advise State Finance Director Dr. Rex Rainer, by copy of this resolution, of this request of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 30, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

H. 82. To authorize the Blount County Commission to provide protection against forest fires within the county to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 82, to-wit:

## COMMITTEE AMENDMENT TO H. B. 82

Delete Section 3, page 2, lines 8 through 20, and insert in lieu thereof the following Section 3.

Section 3. The county governing body of Blount County is authorized to determine the area and owners thereof, and report the same to the Tax Assessor of Blount County who shall be authorized, after notice by mail to such owners, and hearing before the county governing body is requested by such owners, to place said financial charge or tax against the said forest land as may be determined. It shall be the responsibility of the Tax Assessor of Blount County to establish such rules and regulations as are necessary to administer the provisions of this Act.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Hilliard	Mitchem	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25

*Nays:* —0

And said Bill, H. B. 82, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Hilliard	Mitchem	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 84. Relating to DeKalb County; authorizing the county commission to employ a county revenue officer to collect county taxes and to inspect licenses.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Barron	Callahan	Denton
Bailey	Britnell	Cook	Glass

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Goodwin	Lemaster	Proctor	Teague
Hall	Little	St. John	Vacca
Hilliard	McDonald	Smith	Weeks
Holmes	Mitchem	Taylor	White
Keener	Pearson		

—25

Nays: —0

The Bill:

H. 98. Proposing an amendment to the Constitution of 1901, authorizing the legislature to abolish the separate offices of tax assessor and tax collector in Colbert County and to provide for the consolidation of the duties of said office into a new office.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith
Bailey	Hall	Miller	Taylor
Britnell	Hilliard	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Keener	Proctor	Weeks
Glass	Little	St. John	White
Goodwin	Martin		

—25

Nays: —0

The Bill:

H. 85. Relating to Escambia County, providing for the payment of one-third of the moneys received by Escambia County under the provisions of Act No. 2, General Acts 1945, page 20, and under Act No. 2057, General Acts 1971, page 3317 (Sections 40-20-1 through 40-20-13, 1975 Code of Alabama) to the Escambia County Board of Education; to provide for its use; to provide a method for its distribution; and to repeal Local Act No. 344, Acts of Alabama 1953, page 407, Local Act No. 883, Acts of Alabama 1978, page 1312, Local Act No. 612, Acts of Alabama 1978, page 869, and Local Act No. 894, Acts of Alabama 1978, page 1330, and all other acts in conflict.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 85, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 85

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Escambia County; providing for the payment and distribution of net monies received from severance tax and privilege tax on oil and gas received under any general or local law; providing for the distribution of such funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975; providing for the distribution and allocation of said taxes from the State of Alabama; providing further for the use of all such funds received

in Escambia County; authorizing certain other expenditures therefrom; providing for the allocation thereof for educational purposes; providing funds from such revenues for the construction of an elevator in the county courthouse and the construction of and equipment and supplies for the Escambia County Jail; creating the Escambia County Courthouse and County Jail Trust Fund for the funds and administration thereof for such construction, equipment and supplies; authorizing the investment of certain funds therefor; providing further for the distribution of a portion of such funds, pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, to the Escambia County Industrial Development Authority and providing that any unexpended monies therefrom shall revert to the county general fund; to make certain provisions of the act retroactive; to specifically repeal: Act No. 344, H. 679 of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771 of the 1978 Regular Session (Acts 1978, p. 1312); and Act No. 612, H. 1141 of the 1978 Regular Session (Acts 1978, p. 869), all relating to the distribution and allocation of net funds from severance taxes on oil and gas; and providing for the effective operations of the provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. One-third of all net funds received by Escambia County from the severance tax levied pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, shall be paid as received to the Escambia County Board of Education, to be used for educational purposes and to be distributed as follows: Each Board of Education, now in existence or hereafter created in Escambia County, shall receive a pro rata share of said moneys based upon the relation its average enrollment in its schools during the preceding school year bears to the average enrollment of all the public schools in Escambia County.

Section 2. An amount equal to one-tenth of the net funds received by Escambia County pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, or one hundred thousand dollars (\$100,000) of such funds, whichever is the lesser, shall be appropriated by the Escambia County governing body from the county general fund to the Escambia County Industrial Development Authority, created by Act No. 894, S. 773 of the 1978 Regular Session (Acts 1978, p. 1330). Any such monies which are not expended by the said authority by September 30, 1982, and each September 30th thereafter, shall at the request of the Escambia County governing body be returned to the general fund of the county.

Section 3. (a) An amount equal to ten percent of the total of all net funds received, pursuant to any severance tax as privilege tax on oil and gas under any general or local law whatsoever, shall be deposited in the county treasury designated for the "Escambia County Courthouse and County Jail Trust Fund" which trust fund is hereby created. The county governing body shall cause such funds to be invested at the best return of interest in the manner allowed by law. The county governing body shall be responsible to utilize the interest from such investments first for the installation of an elevator in the Escambia County Courthouse; thereafter the interest from such investments shall be paid by the county governing body for the construction, equipping and supplying of the Escambia County Jail. The county governing body is authorized to enter into contracts and make purchases reasonably necessary to implement the provisions of this section and for administering the Escambia County Courthouse and County Jail Trust Fund. Within sixty (60) days after payment in full for all costs for the said elevator and county jail by the county governing body, the said Escambia County Courthouse and County Jail Trust Fund shall be dissolved and all funds remaining, including the original corpus established by this section, shall revert to the county general fund.

(b) The provisions of this section shall become effective immediately upon the first receipt of funds by Escambia County pursuant to Act No. 79-434, H. 148 of the 1979 Regular Session (Acts 1979, p. 687).

Section 4. The remainder of all revenues paid to Escambia County pursuant to any severance tax or privilege tax on oil and gas, under any general or local law whatsoever, not otherwise herein allocated, distributed or designated shall be deposited in the county general fund for the general purposes of the county.

Section 5. Act No. 344, H. 679 of the 1953 Regular Session (Acts 1953, p. 407), Act No. 883, S. 771 of the 1978 Regular Session (Acts 1978, p. 1312) and Act No. 612, H. 1141 of the 1978 Regular Session (Acts 1978, P. 869) are hereby specifically repealed, and all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 6. The provisions of Section 2 of this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law; the provisions of Section 3 shall become effective as prescribed by Section 3(b) of this Act; and all other provisions of this Act are made effective retroactively to October 1, 1980.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		—25

*Nays:* —0

And said Bill, H. B. 85, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		—25

*Nays:* —0

The Bill:

H. 95. Relating to Escambia County; providing further for the compensation and clerical assistance for the county tax assessor and the tax collector.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 95, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 95

Amend H. B. 95 as follows:

On page 1, delete in its entirety Section 2, lines 19 through 32 and insert in lieu thereof the following:

Section 2. The tax assessor and the tax collector are hereby entitled to receive, as salary, \$28,500.00 per annum, respectively. The salaries provided for in this Act shall be in lieu of any compensation heretofore provided by law. However, on the effective date of this Act, any earned fees and commissions shall be granted to said county officials with the first monies collected in October. The tax collector is hereby authorized to employ up to four assistants to aid in carrying out the duties of his office; the tax assessor is authorized to employ up to five assistants to aid in carrying out the duties of his office. Upon authorization by the county governing body each officer shall appoint additional clerks as needed. Provided, however, all assistants shall serve at the pleasure of the respective officer. The compensation and benefits of the aforementioned assistants shall be comparable to other county employees with related job titles.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 95, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Hilliard	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 96. To provide that the Judge of Probate of Escambia County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for a minimum number of employees who shall serve at the pleasure of said Judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 96, to-wit:

COMMITTEE AMENDMENT TO H. B. 96

Amend H. 96 as follows:

On page one, in the title, in line 10, after the word "for" delete the words:  
"a minimum number of"

On page one, delete in its entirety Section 2 and insert in lieu thereof the following:

Section 2. The Judge of Probate is hereby authorized to employ a chief clerk and in addition thereto up to nine clerks to carry out the duties of the office; thereafter, upon authorization of the county governing body, additional clerks shall be appointed by the Judge of Probate as needed. All such clerks shall serve at the pleasure of the Judge of Probate.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

And the Bill, H. B. 96, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 28. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the third Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 71	21	Oil & Lease Money, dis. of the proc.
H. B. 37	18	AL Housing Finance Auth.
H. B. 73	19	Approp. of AL Housing Finance Auth.
H. B. 77	15	AL Housing Finance Auth., rest. removed
H. B. 79	16	AL Housing Finance Auth., bonds before March 31, 1982
H. B. 49	17	General Fund
S. B. 2	4	Empl.'s step pay inc., certain

Mr. Barron offered the following substitute for the Resolution, S. R. 28, to-wit:

## SUBSTITUTE FOR S. R. 28

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventh legislative day of the third Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
S. B. 2	4	Empl.'s step pay inc., certain
H. B. 71	21	Oil & Lease Money, dis. of the proc.
H. B. 37	18	AL Housing Finance Auth.
H. B. 73	19	Approp. of AL Housing Finance Auth.
H. B. 77	15	AL Housing Finance Auth., rest. removed
H. B. 79	16	AL Housing Finance Auth., bonds before March 31, 1982
H. B. 49	17	General Fund

On motion of Mr. McDonald, said substitute was laid on the table.

And on motion of Mr. McDonald, said Resolution was then adopted by the Senate.

## RECESS

At 11:25 A.M., on motion of Mr. St. John, the Senate took a recess until 1 o'clock this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.



UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

as amended. The question was on the Kirkland amendment, which said amendment is set out in the Journal for the Sixth Legislative Day.

On motion of Mr. Teague, further consideration of said Bill, S. B. 40, as amended, and pending Kirkland amendment, was postponed temporarily.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 71. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition

to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State all bonds issued pursuant to this Act and the income therefrom.

Mr. Kirkland offered the following amendment to the Bill, H. B. 71, to-wit:

#### AMENDMENT TO H. B. 71

Amend House Bill No. 71, Page 23, Line 30, by striking out the period after the word "appropriate" and adding the following:

", provided however that no funds shall be expended pursuant to this section unless the plans for construction or renovation have been certified by the State Fire Marshal and State Building Commission to provide for access to and for the physically handicapped. Provided further that this section shall be expressly exempt from the waiver provisions contained in Sections 21-4-4 and 21-4-5 Code of Alabama 1975."

Which was adopted.

Yeas 16; Nays 0.

*Yeas:*

Messrs.:  
Bailey  
Britnell  
Glass  
Goodwin

Harrison  
Higginbotham  
Holmes  
Keener

Kirkland  
Miller  
Robertson  
St. John

Smith  
Taylor  
Teague  
White

*Nays:*

—0

Mr. Smith offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO HOUSE BILL 71, AS AMENDED

Amend H. B. 71 by adding the following paragraph to the end of Section 8 on line 10, page 20:

It is the legislative intent that each of the highway, road and bridge projects enumerated and listed in this section shall be completed in their entirety and if sufficient funds are not provided for by the provisions of this act, then said projects shall be completed out of any other funds appropriated to the use of the State Highway Department during the current or any future fiscal year.

Which was adopted.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Hall	McDonald	Smith
Bailey	Harrison	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Glass	Kirkland	Robertson	White
Goodwin	Lemaster	St. John	—22

*Nay:* Mr. Higginbotham.

—1

Mr. Keener offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

Amend House Bill No. 71, Page 8, Line 31, by inserting after the word "association," the following words:

"or federally insured credit union"

Mr. Teague moved that said amendment be laid on the table, which motion was lost.

Yeas 11; Nays 13.

*Yeas:*

Messrs.:	Goodwin	Holmes	Robertson
Britnell	Harrison	Lemaster	St. John
Denton	Higginbotham	Little	Teague
			—11

*Nays:*

Messrs.:	Glass	Mitchem	Smith
Bailey	Hall	Parsons	Taylor
Barron	Hilliard	Robertson	Vacca
Cook	Keener		—13

And said amendment was then adopted.

Yeas 16; Nays 8.

*Yeas:*

Messrs.:	Hall	Miller	Smith	
Bailey	Hilliard	Mitchem	Taylor	
Barron	Keener	Parsons	Teague	
Cook	Kirkland	Robertson	Vacca	
Glass				—16

*Nays:*

Messrs.:	Harrison	Holmes	Little	
Denton	Higginbotham	Lemaster	St. John	
Goodwin				—8

Mr. Teague moved that the Senate reconsider the vote by which the Keener amendment was adopted.

Mr. Keener moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 12; Nays 17.

*Yeas:*

Messrs.:	Cook	Keener	Smith	
Bailey	Glass	Parsons	Taylor	
Barron	Hilliard	Robertson	Vacca	
Callahan				—12

*Nays:*

Messrs.:	Gulledge	Kirkland	Mitchem	
Britnell	Hall	Lemaster	St. John	
deGraffenried	Harrison	Little	Teague	
Denton	Higginbotham	Martin	White	
Goodwin	Holmes			—17

Mr. Keener then moved that the motion to reconsider be postponed temporarily.

On motion of Mr. Teague, the motion to postpone was laid on the table.

And said motion to reconsider the vote by which the Keener amendment to the Bill, H. B. 71, as amended, was then adopted.

#### REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Sandusky, Roberts, Carter, Venable, McMillan, Cabaniss, Cosby, Patton, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. 76. To appropriate ten million dollars (\$10,000,000) from income from the investment of certain moneys derived by the State from the leasing

of rights in offshore oil, gas and other hydrocarbon minerals for the support and encouragement of educational, agricultural, maricultural and industrial activities involving basic and applied scientific research and development.

By Reps. Clark (G), Drinkard, Moore, Hall, Shoemaker, Owens, Dial, Roberts, Sandusky, Carter, Venable, McMillan, Harper (T), Cabaniss, McKee, Cosby, Bedsole, Mitchell, Minus, Pegues, Starkey, Smith (J) and Penry:

H. 78. To appropriate six million dollars (\$6,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

By Mr. Figures:

S. 68. To propose a constitutional amendment creating a reserve fund to be invested by the state treasurer with the advice and consent of a select committee.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Carter, Roberts, Venable, McMillan, Cabaniss, Cosby, Patton, Mitchell, Harper (T), Minus, Pegues, Bedsole, Hall, Starkey, Smith (J) and Penry:

H. 75. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if

any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Roberts, Sandusky, Carter, Venable, McMillan, Harper (T), Cabaniss, Cosby, Bedsole, Mitchell, Minus, Hall, Pegues, Starkey, Smith (J) and Penry:

H. 74. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Clark (G), Drinkard, Owens, Moore, Shoemaker, Dial, Sandusky, Roberts, Carter, Venable, McMillan, Cabaniss, Hall, Cosby, Mitchell, Harper (T), Bedsole, Pegues, Penry, Starkey and Smith (J) (With Amendment):

H. 72. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in offshore oil, gas and other hydrocarbon minerals, create a board of trustees to manage such trust fund and prescribe the powers thereof, provide for the investment of moneys held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, limit the liability of individual members of the board of trustees of such trust fund, and establish a legislative oversight commission.

The above Bill was read a second time at length as required by the Constitution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hilliard:

S. 59. To amend Code of Alabama 1975, Sections 34-17-24, and 34-17-25, which relate to license fees and penalties for Landscape Architects in Alabama; to increase said fees and penalties to allow for increased costs of administration.

By Mr. Smith:

S. 66. To amend Section 7 of Act No. 81-721, H. 769 of the 1981 Regular Session (Acts 1981, page 1227) which authorizes the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels, so as to grant the authority the power to convey to any private corporation for fair market value any real, personal or mixed property necessary or convenient to the authority in the performance of its duties.

By Rep. McKee:

H. 34. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Warren (with notice and proof):

H. 104. Relating to Conecuh County; legalizing the sale of draft or keg beer or malt beverages, any laws to the contrary notwithstanding; and providing for the levy, collection and distribution of tax on such draft or keg beer or malt beverages.

By Rep. Goodwin (with notice and proof):

H. 105. Relating to Colbert County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

By Reps. Holley and Ray (with notice and proof):

H. 38. Relating to Coffee County; providing for a referendum election to submit to the qualified electors of Coffee County the question whether the Coffee County Commission shall be authorized to levy and impose a county sales tax and a county use tax; providing for the authority of the Coffee County Commission to levy such taxes generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended,

respectively; providing certain additional exemptions from such taxes; specifying the rates at which those taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the proceeds of those taxes if levied by the Coffee County Commission, and for the enforcement of this Act by the State Department of Revenue; providing for the termination of the taxes authorized to be levied hereunder; and prescribing penalties and fixing punishment for violations of this Act.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 12. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county and to provide for its retroactive effect.

Also:

S. 29. To repeal Act No. 452, S. 663, approved August 20, 1973, Regular Session 1973 (Acts 1973, p. 639), entitled "An Act Relating to deputy district attorneys in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census."

Also:

S. 30. Relating to Etowah County; to provide for deputy district attorneys for the county.

Also:

S. 51. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Whatley and Ward:

H. 67. To permit the sale, conveyance, lease or other disposition of water systems (or portions thereof) of certain non-profit entities to certain public authorities or corporations without the necessity of any approval or consent of the Public Service Commission.

Also:

By Rep. Harvey (with notice and proof):

H. 106. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of County Line, in Blount County.



## MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 5. Relating to Marion County; amending Section 1 of Act No. 108, H. 78, 1978 Regular Session (Acts 1978, p. 1825), relating to an additional expense allowance for members of the county board of education, so as to increase the amount of such allowance.

Also:

H. 51. Relating to the method of giving notice of the procedure for service of summoning witnesses and summons and complaints in Crenshaw County so that such service and subpoenas may be by United States mail in the county under certain conditions.

Also:

H. 84. Relating to DeKalb County; authorizing the county commission to employ a county revenue officer to collect county taxes and to inspect licenses.

Also:

H. 88. Relating to the practice of barbering in Escambia County; to regulate further the training and licensing of barbers and conditions under which barbers and cosmetologists may work in such county.

Also:

H. J. R. 34. CONGRATULATING THE BESSEMER JESS LANIER HIGH SCHOOL CHEERLEADERS UPON THEIR FIRST PLACE STATE AWARD BY THE NATIONAL FEDERATION OF AMERICAN CHEERLEADERS.

Also:

H. 98. Proposing an amendment to the Constitution of 1901, authorizing the legislature to abolish the separate offices of tax assessor and tax collector in Colbert County and to provide for the consolidation of the duties of said office into a new office.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

## FURTHER CONSIDERATION OF H. B. 71

The Senate proceeded to further consideration of the Bill, H. B. 71, as amended. The question was on the Keener amendment.

THIRD EXTRAORDINARY SESSION  
7th Day

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 106, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed:

H. 108. Proposing an amendment to the Constitution of 1901, to repeal Amendment No. 132 of the Constitution of 1901, relating to altering or re-arranging or reducing or abolishing Macon County.

Also:

By Rep. Gilmer (with notice and proof):

H. 110. Relating to Fayette County; settling fees for pistol permits; providing for disposition of the proceeds from such fees and specifically repealing Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), as amended by Act No. 734, H. 1283, Regular Session 1976 (Acts 1976, p. 1015), and all other laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 110, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Starkey (with notice and proof):

H. 111. To further regulate the sale of alcoholic beverages and the distribution of local municipal alcoholic beverage tax in Lauderdale County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 111, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 67. To the Committee on Commerce, Transportation, and Utilities.

H. B.'s 106, 108, 110, and 111. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 108, was read a first time at length as required by the Constitution.)

And said amendment was then lost.

Yeas 12; Nays 15.

*Yeas:*

Messrs.:	Cook	Keener	Robertson
Bailey	Hall	Mitchem	Taylor
Barron	Hilliard	Parsons	Vacca
Callahan			—12

*Yeas:*

Messrs.:	Gulledge	Kirkland	St. John
deGraffenried	Harrison	Lemaster	Teague
Denton	Higginbotham	Little	Weeks
Goodwin	Holmes	Martin	White
			—15

Mr. Little offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 Page 7 Line 12, by striking out the words "or private" and furthermore the words

"or without"

On motion of Mr. Teague, said amendment was laid on the table.

RESOLUTIONS

Messrs. Robertson, deGraffenried, Bailey, Barron, Britnell, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. MOURNING THE DEATH OF J. GORDON MADISON.

WHEREAS, this Legislature has been greatly saddened to learn of the death of J. Gordon Madison, a distinguished lawyer and public servant who died recently at a Tuscaloosa hospital after an extended illness at age 80; and

WHEREAS, Mr. Madison was born in Warwick County, Virginia, and was a descendent of this country's fourth president, James Madison; and

WHEREAS, he received his law degree from the University of Alabama in 1925 and practiced law in Tuscaloosa for twenty-seven years, before becoming an assistant attorney general in 1952; and

WHEREAS, he has served the people of this State in many capacities, including being elected to the State Senate in 1942, and serving as an assistant attorney general in a most distinguished capacity from 1952 through 1974 when he retired; and

WHEREAS, at the time of his retirement, the then attorney general, Bill Baxley, called Mr. Madison "one of the most brilliant and distinguished attorneys in the history of our State"; and

WHEREAS, this Legislature wishes to honor the memory of this great, but humble man for his long service to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do mourn the death of J. Gordon Madison and express their most sincere and heartfelt sympathy to his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Loris C. Madison, of Tuscaloosa, his daughter, Mrs. Martha Madison Lewis and to his four sons, James G. Madison, Jr., Edward C. Madison, Richard F. Madison and Dan O. Madison.

On motion of Mr. Robertson, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. MOURNING THE RECENT DEATH OF JUDGE CLIFFORD KING DELONY OF TUSCUMBIA, ALABAMA.

WHEREAS, it is with a sense of deep sorrow and regret that the Legislature of Alabama notes the untimely death of Judge Clifford King Delony, on November 15, 1981, at the age of 60 years; and

WHEREAS, Judge Delony was a native of Tuscumbia in Colbert County and a veteran of World War II, having served his country in the United States Naval Forces; and

WHEREAS, prior to serving as Circuit Court Judge of the 31st Judicial Circuit, he practiced law in Colbert County:

WHEREAS, prompted by care and concern for others, he was always supportive of programs for the betterment of his community and fellow citizens; and

WHEREAS, as evidence of his deep devotion to others, he was a former member of the judicial review commission and a Christian leader at the First Presbyterian Church in Tuscumbia; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the recent death of Judge Clifford King Delony, prominent citizen and judicial, civic and patriotic leader.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his sister, Miss Susan Delony and his uncle, Issac W. Delony, that they may know of our shared sorrow and concern in their great loss.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Taylor, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Teague, Vacca, Weeks and White offered the following Senate Resolution, to-wit:

S. R. 31. COMMENDING MAC SCOTT OF GREENVILLE, ALABAMA, FOR EXTRAORDINARY COURAGE.

Which was adopted.

Messrs. Smith, McDonald, Holmes, Hall, Taylor, and Lemaster offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. EXPRESSING THE LEGISLATURE'S PRIDE IN THE SECOND SUCCESSFUL LAUNCH AND FLIGHT OF THE HISTORIC COLUMBIA SPACE SHUTTLE.

WHEREAS, shortly after 9:00 A.M. on Thursday, November 12, 1981, the second liftoff of the shuttle Columbia went without mishap and the hearts of all Americans swelled with pride, and in victorious send-off to Astronauts Joe Engle and Richard Truly, the spaceship's courageous crew of two; and

WHEREAS, Columbia's Thursday launch was also a new page in history for America's space program, marking the first time ever for a spaceship to make a second venture into space; and

WHEREAS, though this historic second space journey was cut short due to a technical malfunction, the majestic Columbia touched down two days later, on target, on time and in splendid triumph; and

WHEREAS, in congratulating and commending Astronauts Engle and Truly, we also express great pride in America's entire space exploration program and in the dedicated men and women of the National Aeronautics and Space Administration who are responsible for our nation's achievement in space; and

WHEREAS, we most particularly commend and congratulate Alabama's own Marshall Space Flight Center in Huntsville which was responsible for the development of the propulsion system of the space shuttle, including the main engines for the orbiter as well as the external tank and the solid rocket boosters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and most highly commend, not only NASA and our valiant astronauts, but especially Alabama's own Marshall Space Flight Center in Huntsville on its extraordinary technological achievement in the development of the Columbia's propulsion system.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Astronauts Engle and Truly, to the officials of NASA in Houston, Texas, and to those in command at the Marshall Space Flight Center in Huntsville, Alabama.

On motion of Mr. Smith, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Hall and Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. MOURNING THE TRAGIC DEATH OF THE REVEREND J. KING CHANDLER, III, OF BIRMINGHAM, ALABAMA.

WHEREAS, the State of Alabama has been deeply shocked and saddened by the death of the Reverend J. King Chandler, III, of Birmingham, Alabama, on Wednesday, November 11, at the age of 58 years; and

WHEREAS, the Reverend Chandler died as the result of a gunshot wound inflicted by an assailant, as yet unknown, a deplorable and senseless act which cut short the life of one of our State's most outstanding citizens; and

WHEREAS, the Reverend Chandler, who was an ordained Elder of the African Methodist Episcopal Church and who was serving, at the time of his death, as chairman of the Urban Studies Department of Jefferson State Junior College, was a former president, on two occasions, of Daniel Payne College, his first tenure at the age of 24 as one of the youngest college presidents in the country; and

WHEREAS, the Bessemer, Alabama, native completed undergraduate studies at Wilberforce University, his theological studies at Payne Theological Seminary, and his Ph.D. degree was awarded by Columbia University's Teachers College; he first taught psychology at Talladega College, followed by a tenure as president of Daniel Payne, leaving in the early 1960's to join the faculty at Cheyney State University in Pennsylvania; and

WHEREAS, Dr. Chandler returned to the presidency of Daniel Payne College in 1968 for a period of one year before accepting the position he held at Jefferson State Junior College; and

WHEREAS, a former member of the University Year in Action at Birmingham-Southern College, he also served as a moderator for 10 years on the Commentary Forum of Radio WBUL, was a speaker and preacher in the Birmingham-Jefferson County Metroplex, and was chairman of the 10th anniversary observance of the Jefferson County Committee on Economic Opportunity in 1974, and in 1975 and 1976, of United Negro College Fund area campaigns; and

WHEREAS, the Reverend Chandler was active in numerous organizations such as the Clergy Who Cares, the National Conference of Christians and Jews, the Visiting Nurses Association and Planned Parenthood, and most particularly with organizations such as Camp Pauline Bray Fletcher and other youth oriented programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the tragic and untimely death of Dr. J. King Chandler, III, of Birmingham, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Doris Tolbert Chandler, to their son and daughter, Franklin and Yvonne Jeannette, and to other family members to whom a copy of this resolution shall be sent.

On motion of Mr. Hall, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 22. Relative to Agricultural Marketing Facility.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 22, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. J. R. 22

Amend Senate Joint Resolution 22, line 24, after the word "conducted" by striking under the auspices of and inserting in lieu thereof the word by.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Minus, Edwards, Cosby, Grouby and Bennett:

H. 24. To prescribe that no more than one commercial hazardous waste treatment facility or disposal site shall be situated in any one county and to require legislative approval for any such commercial hazardous waste treatment facility or disposal site.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 24. To the Committee on Health and Welfare.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Tucker, Howard, Horn, Jackson (R), Nevett, Escott, Harrison and Biddle:

H. J. R. 37. MOURNING THE TRAGIC DEATH OF THE REVEREND J. KING CHANDLER, III, OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Hilliard, the Rules were suspended and the Resolution, H. J. R. 37, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 71

The Senate proceeded to further consideration of the Bill, H. B. 71, as amended.

Mr. Smith offered the following amendment to the Bill, H. B. 71 as amended, to-wit:

#### AMENDMENT TO H. B. 71, AS AMENDED

Amend House Bill 71, page 9, Section 8, beginning with Line 27 through Line 6 on Page 10 to read as follows:

"Section 8. Public Roads, Streets, Highways and Bridges. Bond Proceeds and Investment Income in the amount of three hundred million dollars (\$300,000,000) are hereby appropriated and allocated to the State Highway Department for payment of the costs of the planning, acquisition, construction and improvement of public roads, streets, highways, bridges and installation and maintenance of automatic signals at highway-rail grade crossings to the extent necessary to assure that all federal funds allocated to the state for grade crossing protection shall be matched and that no such funds will revert to the federal government because of failure to match by the state, provided that ten percent (10%) of the moneys appropriated and allocated to the State Highway Department shall be used to pay the costs of county roads, municipal streets, highways, bridges and grade crossing protections in accordance with the conditions hereinafter provided. The specific projects for the planning, acquisition, construction and improvement of public roads, streets, highways and bridges which are to be financed in full out of the Bond Proceeds and Investment Income hereby allocated to the State Highway Department (excluding 10% portion thereof to be used for county roads, municipal streets, highways and bridges) shall include, but shall not be limited to, the following described projects;"

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John	
Bailey	Harrison	Martin	Smith	
Callahan	Higginbotham	Miller	Taylor	
Cook	Hilliard	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Goodwin	Keener	Proctor	White	
Gulledge	Lemaster	Robertson		—26

*Nays:* —0

Mr. Barron offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

#### AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 page 27, line 23 by striking the words "their transfer"

Further amend H. B. 71 page 27, line 24 after the word "thereon" by inserting a parenthesis and striking the words "and any profits made on the sale thereof"

Which was adopted.



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Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Glass	Keener	Proctor	White
			—27

*Nays:* —0

Mr. Barron then offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 page 2, line 18, after the word "State" by inserting the following:

"the interest on"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Miller	Taylor
Barron	Hall	Mitchem	Teague
Callahan	Harrison	Parsons	Vacca
Cook	Higginbotham	Proctor	Weeks
deGraffenried	Holmes	St. John	White
Glass	Keener		
			—25

*Nays:* —0

Mr. Barron then offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 page 8, line 24, after the word "invested" by inserting the following:

"by the State Treasurer"

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John
Barron	Harrison	Martin	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Hilliard	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Goodwin	Keener	Proctor	White
			—23

*Nays:*

—0

Mr. Barron then offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

## AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71, page 26, line 13, by striking the words "without limitation"

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	St. John
Bailey	Goodwin	Little	Smith
Barron	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Proctor	White

—23

*Nays:*

—0

Mr. Barron then offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

## AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71, page 26, line 18, after the word "after" by striking the words "their date", and inserting in lieu thereof the following:

"the date of the initial bond issue hereunder"

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 20; Nays 9.

*Yeas:*

Messrs.:	Higginbotham	Miller	Smith
Bailey	Holmes	Mitchem	Teague
deGraffenried	Keener	Pearson	Vacca
Denton	Lemaster	Proctor	Weeks
Goodwin	Martin	St. John	White
Harrison			

—20

*Nays:*

Messrs.:	Cook	Hilliard	Parsons
Barron	Glass	Little	Taylor
Callahan	Hall		

—9

Mr. Barron then offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

## AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 on page 5, line 6, after the word "finance" by inserting the following:

"Attorney General, State Auditor"

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 17; Nays 9.

*Yeas:*

Messrs.:	Harrison	Little	St. John
Bailey	Higginbotham	Martin	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	White
Goodwin	Lemaster		

—17

*Nays:*

Messrs.:	Cook	Hall	Parsons
Barron	Glass	Hilliard	Taylor
Callahan	Gulledge		

—9

Mr. Barron then offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 page 7, line 21 after the word "two" by striking the words "and one-half" and by deleting the figure "(2½%)" and inserting in lieu thereof the figure "(2%)"

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 18; Nays 7.

*Yeas:*

Messrs.:	Harrison	Little	Proctor
Bailey	Higginbotham	Martin	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland	Pearson	

—18

*Nays:*

Messrs.:	Callahan	Glass	Parsons
Barron	Cook	Hall	Taylor

—7

Mr. Gulledge offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

In Section 4, page 5, line 34, insert the following new paragraph:

For the purpose of paying the principal and interest on this bonded indebtedness, the Commission shall designate at least two banks, one or more within the State of Alabama and one or more within the City of New York. Funds for the payment of debt service shall be transferred by the State to the Alabama paying agent bank, two business days prior to actual due date of the principal and interest.

Which was adopted.

Yeas 32; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Glass	Lemaster	Proctor	White
Goodwin			—32

*Nays:*

—0

Mr. Smith offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

#### AMENDMENT TO H. B. 71, AS AMENDED

Amend H. B. 71 in the Title, line 23, by inserting the word "streets," after the words "public roads" and before the word "highways"; further

Amend on page 9, in Section 8, line 27 by inserting the word "streets" after the words "public roads" and before the word "highways".

Further amend the bill on page 9, in Section 8, line 33 by inserting after the word "county" the word "roads" and by striking the words "city roads" and substituting in lieu thereof the words "municipal streets".

Further amend the bill on page 9, in Section 8, line 35 by inserting the word "streets" after the words "public roads" and before the word "highways".

Further amend the bill on page 10, in Section 8, line 5, by adding the word roads after the word "county" and striking the words "city roads" and inserting in lieu thereof the words "municipal streets".

Further amend the bill on page 18 in Section 8, line 15 by inserting the word "roads" after the word "county" and by striking the words "city roads" and inserting in lieu thereof the words "municipal streets".

Further amend on page 18, in section 8 line 33 by striking the word "city" and substituting in lieu thereof the word "municipality".

Further amend page 19, line 9 by striking the word "city" and substituting in lieu thereof the word "municipality".

Further amend on page 19, line 12 by striking the word city and substituting the word "municipality".

Further amend on page 19, line 21, by striking the word "city" and substituting in lieu thereof the word "municipality".

Further amend on page 19, line 23 by striking the word "city" and inserting in lieu thereof the word "municipality".

Further amend on page 19, line 34 by striking the word "cities" and inserting in lieu thereof the word "municipalities".

Which was adopted.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Hilliard	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Glass	Keener	Pearson	White
Goodwin	Kirkland	Proctor	—30

*Nays:* —0

Mr. Gulledge offered the following amendment to the Bill, H. B. 71, as amended, to-wit:

AMENDMENT TO H. B. 71, AS AMENDED

On page 1, on line 31 after the word "waterways," insert:

provided however, interest accrued upon money appropriated for this expenditure, prior to the actual expenditure shall be paid to the Conservation and Natural Resources Department for land acquisition and certain capital improvements.

On page 23, in Section 12, at the end of line 18, insert the following:

Notwithstanding any other provision of this act to the contrary, the interest accrued upon said fifty million dollars, prior to the completion of the expenditure provided for in this section, shall be paid to the Conservation and Natural Resources Department for land acquisition and capital improvements for the marine division of said department.

On motion of Mr. Teague, said amendment was laid on the table.

And said Bill, H. B. 71, as thus amended, was read a third time at length and passed.

Yeas 28; Nays 4.

*Yeas:*

Messrs.:	Hall	Lemaster	Proctor
Bailey	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	Smith
Cook	Hilliard	McDonald	Teague
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Mitchem	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge			—28

*Nays:* Messrs.: Barron, Callahan, Glass and Taylor. —4

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 12. Relating to Franklin County; to provide for additional expense allowances for certain officials of said county and to provide for its retroactive effect.

Also:

S. 29. To repeal Act No. 452, S. 663, approved August 20, 1973, Regular Session 1973 (Acts 1973, p. 639), entitled "An Act Relating to deputy district attorneys in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census."

Also:

S. 30. Relating to Etowah County; to provide for deputy district attorneys for the county.

Also:

S. 51. To propose an amendment to the constitution to provide that the legislature may by local law, authorize the county governing body of Winston to further promote and provide forest fire protection within the county, assess in whole or part the cost thereof, by levying a tax on lands other than on ad valorem basis; it prescribes the manner for levying, collecting and distributing such assessments.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 41. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1981 REGULAR SESSION AND THE FIRST, SECOND AND THIRD SPECIAL SESSIONS OF THE LEGISLATURE; AND REPEALING ACT NO. 81-673, H. J. R. 377 OF THE 1981 REGULAR SESSION, SETTING SUCH ELECTION.

WHEREAS, during the 1981 Regular and Special Sessions, the Legislature proposed numerous constitutional amendments to be submitted to the people for ratification at the primary and general elections of 1982; and

WHEREAS, additional proposed amendments are anticipated during the 1982 Regular Session which could create a burden on the election facilities; and

WHEREAS, the Justices of the Supreme Court, in Opinion of the Justices, No. 177, 275 Ala. 372 (1963), advised the Legislature that there is no constitutional impediment for the same Legislature at a succeeding session changing the date for holding the election on a proposed constitutional amendment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the amendments proposed by the 1981 Regular and 1981 First, Second and Third Special Sessions be held on the first Tuesday after the expiration of ninety (90) days following adjournment of the 1981 Third Special Session, provided, however, that if the date for such election should fall on March 9, 1982 the election shall instead be held on March 16, 1982.

BE IT FURTHER RESOLVED, That Act No. 81-673, H. J. R. 377 of the 1981 Regular Session, designating November 2, 1982, for elections on proposed constitutional amendments, is hereby specifically repealed and rescinded.

RESOLVED FURTHER, That copies of this resolution shall be sent forthwith by the Clerk of the House to the Governor and the Secretary of State.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 41, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 39. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

was read a third time at length and passed.

Yeas 5; Nays 2.

Yeas: Messrs.: Cook, Hall, Parsons, Vacca and White. —5

Nays: Messrs.: Hilliard and Pearson. —2

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

Mr. White moved that the Senate reconsider the vote by which the Bill, H. B. 39, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 37. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the Authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use and distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to repeal specifically Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 37, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 37

Amend House Bill 37, on page 2, lines 27 through 32 by deleting the following sentence:

"The speaker of the house shall appoint one person for a seven-year term and the lieutenant governor shall appoint one person for a six-year term; thereafter their successors shall serve for a period of seven years."

And insert in lieu thereof the following sentence:

"The Speaker of the House of Representatives shall appoint three members of the House for the term of office respectively; and the Lieutenant Governor shall appoint three members of the Senate for the term of office."

Which was adopted.

Yeas 19; Nays 1.

Yeas:

Messrs.:	Hall	Martin	St. John
Callahan	Harrison	Miller	Smith
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Goodwin	Little	Robertson	White

—19

Nay: Mr. Higginbotham.

—1

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 37, as amended, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 37, AS AMENDED

Amend House Bill 37 on Page 8, after line 10 by inserting the following:

(f) For the first 30 days after a series of loans have been offered, no money may be precommitted until the buyer has been approved to acquire a specific piece of property by the lending institution and notice of such approval has been given to the authority and the authority has ratified the application. Said restriction shall terminate at the end of the 30-day period.



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Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith
Bailey	Goodwin	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	White
deGraffenried	Lemaster	Robertson	

—18

*Nays:* —0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 37, as amended, to-wit:

COMMITTEE AMENDMENT TO H. B. 37, AS AMENDED

Amend House Bill 37 on Page 5, Line 18, by striking out paragraph (g) in its entirety and add the following sentence beginning on Line 15 to read as follows:

"All members of this committee shall be entitled to their actual expenses incurred in the performance of their duties as members of the committee."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	McDonald	St. John
Britnell	Harrison	Miller	Smith
deGraffenried	Holmes	Mitchem	Teague
Denton	Little	Parsons	Vacca
Goodwin	Martin	Robertson	

—18

*Nays:* —0

And said Bill, H. B. 37, as thus amended, was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John
Bailey	Harrison	McDonald	Smith
Britnell	Higginbotham	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
Denton	Lemaster	Parsons	White
Goodwin	Little	Robertson	

—22

*Nays:* —0

The Bill:

H. 42. To establish the salary for the Sheriff of Jefferson County, Alabama; and to provide that the salary as fixed by this Act shall take effect at the beginning of the next term of office of said officer and the beginning of each term of office of said officer thereafter.

was read a third time at length and passed.

Yeas 3; Nays 0.

Yeas: Messrs. Hall, Parsons and Vacca.

—3

Nays:

—0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 41. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1981 REGULAR SESSION AND THE FIRST, SECOND AND THIRD SPECIAL SESSIONS OF THE LEGISLATURE; AND REPEALING ACT NO. 81-673, H. J. R. 377 of the 1981 REGULAR SESSION, SETTING SUCH ELECTION.

The Standing Committee on Rules offered the following substitute for the Resolution, H. J. R. 41, to-wit:

### SUBSTITUTE FOR H. J. R. 41

H. J. R. 41. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1981 THIRD SPECIAL SESSION OF THE LEGISLATURE; PROVIDING THAT ALL OTHER CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1981 REGULAR SESSION AND THE FIRST AND SECOND SPECIAL SESSIONS OF THE LEGISLATURE BE HELD AT THE NEXT PRIMARY ELECTION AFTER FINAL ADJOURNMENT OF THE 1982 REGULAR SESSION; AND REPEALING ACT NO. 81-673, H. J. R. 377 OF THE 1981 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the amendments proposed by the 1981 Third Special Session be held on the first Tuesday after the expiration of ninety (90) days following adjournment of the 1981 Third Special session, provided, however, that if the date for such election should fall on March 9, 1982, the election shall instead be held on March 16, 1982.

BE IT FURTHER RESOLVED, That all other Constitutional Amendments proposed at the 1981 Regular Session and the First and Second Special Sessions of the legislature be held at the next primary election after final adjournment of the 1982 Regular Session.

RESOLVED FURTHER, That Act No. 81-673, H. J. R. 377 of the 1981 Regular Session, designating November 2, 1982, for elections on proposed constitutional amendments, is hereby specifically repealed and rescinded.

RESOLVED FURTHER, That copies of this resolution shall be sent forthwith by the Clerk of the House to the Governor and the Secretary of State.

Which was adopted.

And said Resolution, H. J. R. 41, as thus amended by the substitute, was then concurred in and adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 73. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 73, to-wit:

### COMMITTEE AMENDMENT TO H. B. 73

Amend House Bill 73, Section 4, page 4, line 14, by adding after the word "by" the words "the Governor and".

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Little	Proctor
Callahan	Holmes	Martin	St. John
deGraffenried	Keener	Miller	Smith
Goodwin	Kirkland	Mitchem	Teague
Hall	Lemaster	Parsons	Vacca

—19

Nays:

—0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 73, as amended, to-wit:

### COMMITTEE AMENDMENT TO H. B. 73, AS AMENDED

Amend the bill in the Synopsis, page 1, on line 13 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in the Title, page 1, on line 24 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 1, page 2, on line 17 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 1, page 2, on line 37 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 2, page 3, on line 13 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Further amend the bill in Section 5, page 4, on line 25 by striking the date "January 1" and substituting in lieu thereof the date "September 30".

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Robertson	
Britnell	Higginbotham	Martin	St. John	
deGraffenried	Holmes	Miller	Smith	
Denton	Keener	Mitchem	Teague	
Goodwin	Kirkland	Parsons	Vacca	
Hall	Lemaster	Proctor		—22

*Nays:* —0

And said Bill, H. B. 73, as thus amended, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Proctor	
Britnell	Harrison	Little	Robertson	
Callahan	Higginbotham	Martin	St. John	
deGraffenried	Holmes	Miller	Smith	
Denton	Keener	Mitchem	Teague	
Goodwin	Kirkland	Parsons	Vacca	—23

*Nays:* —0

### POINT OF PERSONAL PRIVILEGE

Mr. Little stated that, had he been present when the vote was taken on the Kirkland amendment to the Bill, H. B. 71, he would have voted "Aye".

### BILLS ON THIRD READING RESUMED

The Bill:

H. 77. To propose an amendment to the Constitution of Alabama of 1901 which will authorize the Legislature to provide by law for the payment of the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family residential property located in the State, which will provide that,

notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement, and which will provide that such amendment shall have no further force and effect after December 31, 1983.

was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Harrison	Martin	Robertson
Bailey	Higginbotham	McDonald	St. John
deGraffenried	Holmes	Miller	Smith
Denton	Keener	Mitchem	Teague
Goodwin	Kirkland	Parsons	Vacca
Gulledge	Lemaster	Proctor	White
Hall	Little		

—25

*Nays:* —0

The Bill:

H. 79. To amend Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982, to extend said date until December 31, 1983.

was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Robertson
Callahan	Higginbotham	Martin	St. John
deGraffenried	Holmes	McDonald	Smith
Denton	Keener	Miller	Teague
Goodwin	Kirkland	Mitchem	Vacca
Hall	Lemaster	Proctor	White

—23

*Nays:* —0

The Bill:

H. 49. To make a supplemental appropriation for salaries and other expenses for the use of the House of Representatives and the Alabama Senate for the fiscal year ending September 30, 1982, from the general fund of the state treasury.

was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Proctor
Britnell	Harrison	Little	Robertson
Callahan	Higginbotham	Martin	St. John
Cook	Hilliard	McDonald	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland	Parsons	White

—27

*Nays:*

—0

The Bill:

S. 2. To provide that any state employee who received a step increase limited under the provisions of Act 80-616, Regular Session 1980, shall be brought up to the normal step under the State Pay Plan.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
Cook	Higginbotham	McDonald	Teague
deGraffenried	Holmes	Miller	Vacca
Denton	Keener	Parsons	

—22

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 39. To amend Act No. 929, 1951 Regular Session (General Acts of 1951, p. 1579), as amended by Act No. 1272, 1973 Regular Session (Acts 1973, p. 2124), and as previously and subsequently amended, which created a retirement system for officers and employees in cities of two hundred thousand or more inhabitants according to the latest federal decennial census, so as to provide further for the payments of benefits during periods of re-employment.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## ADJOURNMENT

At 6:40 P.M., on motion of Mr. Hilliard, the Senate adjourned until Wednesday, November 18, 1981, at 10 o'clock A.M.

## EIGHTH LEGISLATIVE DAY

WEDNESDAY, NOVEMBER 18, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Lawson R. Bryan, Pastor, Dexter Avenue United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Kirkland	Proctor
Bailey	Goodwin	Lemaster	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Hilliard	Mitchem	Vacca
Denton	Holmes	Parsons	Weeks
Figures	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Manley and Holmes:

H. J. R. 36. PLEDGING TO STOP DRUGS AT THE SOURCE.

WHEREAS, the availability of harmful and illicit drugs to our children is a threat to the life, liberty and pursuit of happiness of the people and the security of Alabama and the United States of America; and,

WHEREAS, the availability of harmful and illicit drugs to our children constitutes a violation of human rights; and,

WHEREAS, the people have recognized their responsibility and have petitioned officials at all levels and branches of city, county, state and federal government to take whatever action is necessary to stop drugs at the source; and,

WHEREAS, the people have the right to petition and all officials are amenable to them; and,

WHEREAS, the first step necessary to respond to the people is for the city, county, state and federal governments to agree to work together; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the people have formally petitioned for the necessary action to stop drugs at the source and we do hereby pledge to work together to take the necessary cooperative interaction to stop drugs at the source.

BE IT FURTHER RESOLVED, That this accord serves as evidence of our committment to take whatever action is necessary to stop drugs at the source.

RESOLVED FURTHER, That a copy of this resolution be provided for presentation to The Honorable Thad Eure, Secretary of the State of North Carolina, who has worked hard on behalf of the Stop Drugs at the Source Committee.

RESOLVED FURTHER, That the Secretary of the State of Alabama is forthright charged with delivery of said resolution for presentation.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 36, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 22. Creating a feasibility study on agricultural marketing facilities by the Board of Agriculture and Industries.

ALBERT McDONALD,  
Chairman.



SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Gilmer:

H. J. R. 39. COMMENDING AND CONGRATULATING ALABAMA STATE TROOPER ROY L. SANDERSON OF FAYETTE, ALABAMA.

Also:

By Reps. Venable, Harper (O) and Smith (C):

H. J. R. 40. MOURNING THE DEATH OF COACH EDWARD PAUL TAYLOR OF TALLASSEE, ALABAMA.

Also:

By Rep. Harvey:

H. J. R. 42. MOURNING THE DEATH OF DR. WILLIAM RUSSELL SUTTON, PROMINENT BLOUNTSVILLE, ALABAMA, PHYSICIAN AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Denton, the Rules were suspended and the Resolution, H. J. R. 39, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 40, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 42, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. McDonald offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. COMMENDING THE UNITED STATES AND ALABAMA JAYCEES, AND REQUEST GOVERNOR FOB JAMES TO PROCLAIM THE WEEK OF JANUARY 17-23, 1982, AS "JAYCEE WEEK IN ALABAMA."

WHEREAS, the United States Jaycees is a civic service organization of young men, 18 through 35 years of age, dedicated to providing leadership training and personal development for its members through active participation in local community betterment programs; and

WHEREAS, the Alabama Jaycees with 150 local chapters and a membership of approximately 6,800 offer programs of individual and family development, governmental affairs, community development, youth involvement and criminal justice; and

WHEREAS, statewide events of the Alabama Jaycees include its Congress of Outstanding Young Men, support for Muscular Dystrophy, Shooting Education Championships, Honey Sunday and National Jaycee Week; and

WHEREAS, the Legislature of Alabama gratefully acknowledges the many achievements and contributions of the United States Jaycees and its 150 affiliated Alabama Chapters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the United States and Alabama Jaycees for accomplishment of purpose in furthering personal development and leadership through community involvement by its membership.

BE IT FURTHER RESOLVED, That we respectfully request Governor Fob James to proclaim the week of January 17-23, 1981, as "Jaycee Week in the State of Alabama."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Governor James with a copy also provided for Alabama Jaycee state president, Mr. Jut Keith of Millbrook, Alabama.

On motion of Mr. McDonald, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 35. URGING THE CREATION OF A CENTER FOR APPLIED EDUCATIONAL RESEARCH AND DEVELOPMENT AT UAB.

WHEREAS, there is a tremendous need in Alabama for long-term flexible and cooperative educational planning, and

WHEREAS there is a need for interdisciplinary planning for education, and

WHEREAS there is no uniform planning for education, kindergarten through the professional graduate schools, and

WHEREAS there presently does not exist an educational policy that coincides with the State of Alabama's economic development policies, and

WHEREAS with the prospects of limited financial growth to support functions of government, and

WHEREAS the University of Alabama in Birmingham has been designated by a previous Act to engage in long-range planning and report to the Legislature;

NOW THEREFORE BE IT RESOLVED that the Legislature of Alabama, both houses thereof concurring, requests that the University of Alabama in Birmingham strongly consider the establishment of a Center for Applied Educational Research and Development.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 61. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Little	Proctor	White	
Figures	Martin			—25

Nays: —0

The Bill:

H. 104. Relating to Conecuh County; legalizing the sale of draft or keg beer or malt beverages, any laws to the contrary notwithstanding; and providing for the levy, collection and distribution of tax on such draft or keg beer or malt beverages.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Hilliard	Pearson	Weeks	
Cook	Holmes	Proctor	White	
Denton	Kirkland			—25

Nays: —0

The Bill:

H. 105. Relating to Colbert County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Miller	Smith	
Bailey	Hilliard	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Glass	Martin	St. John	White	
Goodwin	McDonald			—25

Nays: —0

The Bill:

S. 32. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Hilliard	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Figures	Little			—25

Nays: —0

The Bill:

S. 33. To provide members of the governing body of Class I cities in Alabama and all cities in Alabama having a population of 250,000 or more according to the last and any subsequent federal decennial census with an expense allowance for attending business of the city within the municipal

corporate limits; to provide that this act supersedes the provisions of Sections 1 and 2 of Act No. 129 of the Regular Session of the Legislature of 1965 (Acts of Alabama 1965, pp. 194-195), that the provisions hereof are severable; and to repeal all laws or parts of laws in conflict herewith.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

*Nays:* —0

The Bill:

S. 34. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census. Section 3.05 is hereby amended.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Hall	Miller	Taylor
Barron	Hilliard	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Figures	Little		

—25

*Nays:* —0

The Bill:

H. 34. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Proctor	
Bailey	Gulledge	Lemaster	Robertson	
Barron	Hall	Little	St. John	
Britnell	Harrison	Martin	Taylor	
Cook	Higginbotham	McDonald	Teague	
deGraffenried	Holmes	Miller	Vacca	
Denton				—24

Nays:

—0

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 36. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighth legislative day of the third Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 72	23	To create a permanent trust fund
H. B. 74	22	Mental Health, Bd. of Corrections
H. B. 75	20	Bond Issue regarding dis. of Proc.
H. B. 76	17	Scientific Res. and Dev. Approp.
H. B. 78	18	Approp. to Co. for State Pris.
H. B. 15	12	Prov. for descent and distribution of personalty

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

## SPECIAL ORDER

## BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 72. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in offshore oil, gas and other hydrocarbon minerals, create a board of trustees to manage such trust fund and prescribe the powers thereof, provide for the investment of moneys held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, limit the liability of individual members of the board of trustees of such trust fund, and establish a legislative oversight commission.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 72, to-wit:

COMMITTEE AMENDMENT TO H. B. 72

Amend House Bill 72, page 4 line 11, after the semi-colon by deleting the word and

Further amend House Bill 72, page 4, line 37, after the word "Capital" by changing the period to a semi-colon and adding the word and

Further amend House Bill 72, page 4, immediately following line 37 by adding a new item (6) to read as follows:

(6) interest bearing time deposits (whether or not evidenced by certificates of deposit) in credit unions

(a) the deposits of which are insured to the maximum extent possible by the National Credit Union Administration, or any agency of the United States of America that may succeed to the functions of the NCUA and (b) the principal office of which is located in the State; provided, further that the aggregate amount of deposits of the Trust Fund in any one credit union at any time (i) shall not exceed ten percent (10%) of the total Trust Capital and (ii) shall not exceed ten percent (10%) of the net worth of such credit union unless any excess of the amount of deposits over ten percent (10%) of such net worth shall be secured by obligations described in subdivisions (2) and (3) of this definition having at all times a market value (exclusive of accrued interest) at least equal to such excess amount of deposits, including accrued interest thereon.

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 16; Nays 14.

*Yeas:*

Messrs.:	Gulledge	Lemaster	St. John
Britnell	Harrison	Little	Smith
deGraffenried	Higginbotham	Martin	Teague
Denton	Holmes	McDonald	White
Goodwin			—16

*Nays:*

Messrs.:	Cook	Hilliard	Robertson
Bailey	Figures	Keener	Taylor
Barron	Glass	Parsons	Vacca
Callahan	Hall	Pearson	—14

Mr. Cook offered the following amendment to the Bill, H. B. 72, to-wit:

AMENDMENT TO H. B. 72

Amend H. B. 72 as follows:

On page 6, Section 3, line 33 delete the word "seven" and insert in lieu thereof the word: "nine"

And in line 36 after the word "Governor," delete the word "one" and insert in lieu thereof the word "two" and in line 36 after the words "Lieutenant Governor, and" delete the word "one" and insert the word: "two"

On page 7, in Section 3, in lines 13 and 17, delete the word "Trustee" and insert in lieu thereof the word: "Trustees" •

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John	
Britnell	Harrison	McDonald	Smith	
Callahan	Higginbotham	Miller	Teague	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Lemaster	Proctor	White	
Glass	Little	Robertson		—23
Goodwin				

*Nays:* —0

Mr. Cook then offered the following amendment to the Bill, H. B. 72, as amended, to-wit:

#### AMENDMENT TO H. B. 72, AS AMENDED

Amend House Bill No. 72 Page 21 Line 25, by striking out after the word "The" "First Tuesday after the expiration of three months from the" and inserting in lieu thereof the following

"on the day of the next General election in 1982 after the"

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 24; Nays 3.

*Yeas:*

Messrs.:	Hall	Little	Proctor	
Bailey	Harrison	Martin	Robertson	
Britnell	Higginbotham	McDonald	St. John	
deGraffenried	Holmes	Miller	Smith	
Denton	Keener	Mitchem	Teague	
Glass	Lemaster	Parsons	White	
Goodwin				—24

*Nays:* Messrs.: Barron, Cook and Taylor. —3

Mr. Little offered the following amendment to the Bill, H. B. 72, as amended, to-wit:



AMENDMENT TO H. B. 72, AS AMENDED

Amend House Bill No. 72 by inserting a new Section 9 to follow Section 8 on page 21 of H. B. 72 and said new section to be included in the constitutional amendment.

Section 9 to read as follows:

"Section 9. All sections and amendments of the Constitution of the State of Alabama denying or limiting the credit of the state or any political subdivision thereof to any banking company are hereby repealed".

On motion of Mr. White, said amendment was laid on the table.

Yeas 21; Nays 3.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John
Callahan	Harrison	McDonald	Smith
deGraffenried	Higginbotham	Miller	Teague
Denton	Holmes	Mitchem	Vacca
Glass	Keener	Proctor	White
Goodwin	Lemaster		

—21

*Nays:* Messrs.: Barron, Hall and Little. —3

Mr. Barron offered the following amendment to the Bill, H. B. 72, as amended, to-wit:

AMENDMENT TO H. B. 72, AS AMENDED

Amend H. B. 72 by deleting the word "willful" where it appears in Section 7, on line 14, page 21

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 20; Nays 6.

*Yeas:*

Messrs.:	Higginbotham	Miller	Smith
Bailey	Holmes	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Lemaster	Robertson	Weeks
Goodwin	Martin	St. John	White
Harrison			

—20

*Nays:*

Messrs.:	Callahan	Little	Taylor
Barron	Cook	Parsons	

—6

Mr. Barron then offered the following substitute for the Bill, H. B. 72, as amended, to-wit:

## SUBSTITUTE FOR H. B. 72, AS AMENDED

A BILL  
TO BE ENTITLED  
AN ACT

To propose a constitutional amendment creating a reserve fund to be invested by the state treasurer with the advice and consent of a select committee; to provide that income earned by said reserve fund shall be paid into a special fund in order to replace revenue derived by certain taxes; to provide for the repeal of certain state taxes on a schedule basis; to provide for the use of certain interest income for a bond issue and the distribution of the proceeds thereof; to provide for the placement of certain interest income into the trust fund corpus and the general fund; and to authorize county governing bodies to levy certain gasoline taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

## PROPOSED AMENDMENT

From funds on hand at the time of ratification of this amendment, there is established in the state treasury a Taxpayer Trust Fund of 386,000,000. The fund shall be invested by the state treasurer, with the advice and consent of a select committee comprised of the Governor or his designee, the Lieutenant Governor, the State Treasurer, the Speaker of the House of Representatives, seven members of the Alabama Senate approved by the presiding officer of the Alabama Senate, and seven members of the Alabama House of Representatives appointed by the Speaker of the House of Representatives. On October 1, 1983, said fund shall be invested in 20-year non-callable United States Treasury bills.

All income accrued by the trust fund shall be paid into a special fund in the state treasury and shall be appropriated for the purpose of replacing certain state tax proceeds. If more money exists in said fund than is needed to replace the revenue lost by the abolition of the taxes provided herein, said excess shall be ordered by the select committee to be invested in any type of investment which the state treasurer has statutory authority to invest. The select committee shall make the excess determination.

The money paid into the special fund in the state treasury shall be appropriated by the legislature to the Highway Department Public Road and Bridge Fund as necessary to replace the revenue lost by the abolition of the following taxes. The following taxes are hereby repealed:

In the 1983-84 fiscal year: 1¢ of the 4¢ fuel tax levied in Section 40-17-220, Code of Alabama 1975.

In the 1985-86 fiscal year: an additional 1¢ of the fuel tax levied in Section 40-17-220, Code of Alabama 1975.

In the 1987-88 fiscal year: an additional 1¢ of the 4¢ fuel tax levied in Section 40-17-220, Code of Alabama 1975.

In the 1989-90 fiscal year: an additional 1¢ of the 4¢ fuel tax levied in Section 40-17-220, Code of Alabama 1975.

The county governing body of each county shall have authority to levy a fuel tax as provided herein:

October 1, 1983 -  $\frac{1}{2}$ ¢ per gallon

October 1, 1985 - an additional  $\frac{1}{2}$ ¢ per gallon

October 1, 1987 - an additional  $\frac{1}{2}$ ¢ per gallon

October 1, 1989 - an additional  $\frac{1}{2}$ ¢ per gallon

The interest income from the trust corpus, less the amount necessary to replace the fuel tax proceeds reduced by this amendment, shall on October 1, 1983, be used to fund a 20-year general obligation bond issue in an amount up to \$200,000,000. The legislature shall enact appropriate implementation laws to provide for the sale and issuance of the bonds authorized by this amendment.

Proceeds from said bond issue shall be allocated in the following manner:

Up to 55.814% to the State Highway Department for payment of the costs of the planning, acquisition, construction and improvement of public roads, highways and bridges as determined by the legislature.

Up to 27.906% to the Alabama Public School and College Authority for educational purposes as determined by the legislature.

Up to 9.302% for the improvement of Mobile Harbor and Construction and Improvement of Dock and Wharf facilities, as determined by the legislature.

Up to 2.233% for the renovation and restoration of buildings in the main government complex as determined by the legislature.

Up to 1.860% for a new Highway Department Office Building as determined by the legislature.

Up to 1.116% for facilities for the Alabama Department of Youth Services as determined by the legislature.

Up to .372% for the renovation of the State Coliseum as determined by the legislature.

Up to 1.302% to the Department of Conservation and Natural Resources for conservation and preservation of land, public parks and park facilities and Oyster Cultivation and Maricultural activities as determined by the legislature.

Up to .093% to the Alabama Educational Television Commission as determined by the legislature.

All interest income from the trust fund corpus remaining after compensating the Highway Department for lost tax proceeds and funding the bond issue including the debt service, shall until October 1, 1991, revert to the corpus and be invested by the select committee in any type investment which the state treasurer has statutory authority to invest. As of October 1, 1991, said interest income shall be paid into the state general fund.

The legislature is authorized to enact all necessary legislation to implement the provisions of this amendment.

Section 2. The legislature shall appropriate such funds as are necessary for the implementation of this amendment including administrative expenses and the necessary expenses of the committee members in the performance of their duties under the provisions of this amendment.

Section 3. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

On motion of Mr. Teague, said substitute was laid on the table.

Yeas 23; Nays 6.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	St. John
Britnell	Harrison	Martin	Smith
deGraffenried	Higginbotham	Miller	Teague
Denton	Holmes	Mitchem	Weeks
Goodwin	Keener	Pearson	White

—23

*Nays:*

Messrs.:	Callahan	Glass	Taylor
Barron	Cook	Parsons	

—6

And said Bill, H. B. 72, as amended, was read a third time at length as required by the Constitution, and passed.

Yeas 24; Nays 5.

*Yeas:*

Messrs.:	Hall	Lemaster	Robertson
Bailey	Harrison	Little	St. John
Britnell	Higginbotham	Miller	Smith
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Pearson	Weeks
Goodwin	Kirkland	Proctor	White
Gulledge			

—24

*Nays:*

Messrs.:	Callahan	Parsons	Taylor
Barron	Cook		

—5

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Keener, the Senate non-concurred in the following House amendment to the Bill, S. B. 28, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 28

Amend S. B. 28 as follows:

On page 1, lines 36-38, delete Section 6 in its entirety and insert in lieu thereof a new Section 6 to read as follows:

Section 6. This Act shall become effective on March 1, 1982.

and requested a Committee on Conference.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Bailey	Goodwin	McDonald	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Hilliard	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Lemaster	St. John	White
Figures	Little		

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Keener, Mitchem, and deGraffenried.

RECESS

At 12:15 P.M., on motion of Mr. St. John, the Senate took a recess until 1:45 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

REPORTS OF COMMITTEES

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Whatley and Ward:

H. 67. To permit the sale, conveyance, lease or other disposition of water systems (or portions thereof) of certain non-profit entities to certain public authorities or corporations without the necessity of any approval or consent of the Public Service Commission.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Minus, Edwards, Cosby, Grouby and Bennett (With Amendment):

H. 24. To prescribe that no more than one commercial hazardous waste treatment facility or disposal site shall be situated in any one county and to require legislative approval for any such commercial hazardous waste treatment facility or disposal site.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Harvey (with notice and proof):

H. 106. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of County Line, in Blount County.

By Rep. Reed:

H. 108. Proposing an amendment to the Constitution of 1901, to repeal Amendment No. 132 of the Constitution of 1901, relating to altering or re-arranging or reducing or abolishing Macon County.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Gilmer (with notice and proof):

H. 110. Relating to Fayette County; setting fees for pistol permits; providing for disposition of the proceeds from such fees and specifically repealing Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), as amended by Act No. 734, H. 1283, Regular Session 1976 (Acts 1976, p. 1015), and all other laws in conflict herewith.

By Rep. Starkey (with notice and proof):

H. 111. To further regulate the sale of alcoholic beverages and the distribution of local municipal alcoholic beverage tax in Lauderdale County.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 74. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to

the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	St. John
deGraffenried	Higginbotham	Martin	Taylor
Glass	Holmes	Mitchem	Teague
Goodwin	Keener	Parsons	Vacca
Gulledge	Kirkland	Proctor	White
Hall			—20

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 37. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the Authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use and distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to repeal specifically Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Reps. Cates, Drinkard and Cabaniss.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 37, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	St. John
deGraffenried	Higginbotham	Martin	Taylor
Glass	Holmes	McDonald	Teague
Goodwin	Keener	Mitchem	Vacca
Gulledge	Kirkland	Proctor	White
Hall	Lemaster		

—21

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Mitchem, Parsons, and Keener.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 76. To appropriate ten million dollars (\$10,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the support and encouragement of educational, agricultural, maricultural and industrial activities involving basic and applied scientific research and development.

was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Robertson
Bailey	Higginbotham	Martin	St. John
deGraffenried	Holmes	McDonald	Taylor
Denton	Keener	Mitchem	Teague
Goodwin	Kirkland	Parsons	Vacca
Gulledge	Lemaster	Proctor	White
Hall			

—24

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 42. To establish the salary for the Sheriff of Jefferson County, Alabama: and to provide that the salary as fixed by this Act shall take effect at the beginning of the next term of office of said officer and the beginning of each term of office of said officer thereafter.

Also:

H. 49. To make a supplemental appropriation for salaries and other expenses for the use of the House of Representatives and the Alabama Senate for the fiscal year ending September 30, 1982, from the general fund of the state treasury.



Also:

H. 79. To amend Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982, to extend said date until December 31, 1983.

Also:

H. J. R. 37. MOURNING THE TRAGIC DEATH OF THE REVEREND J. KING CHANDLER, III, OF BIRMINGHAM, ALABAMA.

Also:

H. 77. To propose an amendment to the Constitution of Alabama of 1901 which will authorize the Legislature to provide by law for the payment by the State of Alabama of expenses incurred by the Alabama Housing Finance Authority in the exercise of its powers, including expenses related to the issuance of its bonds and the use of the proceeds therefrom to make or acquire mortgage loans that are secured by mortgages on single and multi-family residential property located in the State, which will provide that, notwithstanding the payment of any such expenses by the State of Alabama, no bonds issued by the Alabama Housing Finance Authority shall be deemed to constitute an indebtedness of the State nor shall any action taken by the Alabama Housing Finance Authority be deemed to constitute a lending of money or credit by the State to any individual, association or corporation or a participation by the State in works of internal improvement, and which will provide that such amendment shall have no further force and effect after December 31, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President pro tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 34. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Also:

H. 61. To further amend Section 3.05 of Act No. 452 of the Regular Session of the Legislature of Alabama of 1955, (Acts of 1955, Page 1004) as amended by Act 495, Section 2, Regular Session of the Legislature of Alabama 1973 (Acts of 1973, pages 727-728) providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census.

Also:

H. 104. Relating to Conecuh County; legalizing the sale of draft or keg beer or malt beverages, any laws to the contrary notwithstanding; and providing for the levy, collection and distribution of tax on such draft or keg beer or malt beverages.

Also:

H. 105. Relating to Colbert County; to create a license-issuing division within the probate judge's office for the issuance of certain licenses; to provide for the selection of personnel for such license-issuing division; to provide certain duties for the division; to provide for an optional procedure for the renewal of motor vehicle licenses in the county by mail; to authorize certain additional fees and cost pursuant to such system of renewal of motor vehicle licenses by mail; such fees shall be set by the county commission from time to time to pay the cost of mailing tags or decals; to prescribe more convenient and efficient procedures for assessing and collecting of certain taxes; the issuance of licenses by the probate judge's office; and to transfer certain duties now performed by the tax assessor and tax collector to said probate office.

Also:

H. J. R. 36. PLEDGING TO STOP DRUGS AT THE SOURCE.

Also:

H. J. R. 39. COMMENDING AND CONGRATULATING ALABAMA STATE TROOPER ROY L. SANDERSON OF FAYETTE, ALABAMA.

Also:

H. J. R. 40. MOURNING THE DEATH OF COACH EDWARD PAUL TAYLOR OF TALLASSEE, ALABAMA.

Also:

H. J. R. 42. MOURNING THE DEATH OF DR. WILLIAM RUSSELL SUTTON, PROMINENT BLOUNTSVILLE, ALABAMA, PHYSICIAN AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### POINT OF PERSONAL PRIVILEGE

Mr. Robertson stated that, had he been present when the vote was taken on the Bill, H. B. 74, he would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

H. 78. To appropriate six million dollars (\$6,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Harrison	McDonald	St. John
Bailey	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Teague
Denton	Keener	Proctor	Vacca
Goodwin	Little	Robertson	White
Hall	Martin		

—21

*Nays:* —0

POINT OF PERSONAL PRIVILEGE

Mr. Miller stated that, had he been present when the votes were taken on H. B.'s 74 and 76, he would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

H. 15. To amend Section 1 of Act No. 81-967 of the first special session of the Alabama Legislature in 1981 by further amending § 43-3-10 Code of Alabama 1975, which provides for descent and distribution of personalty.

was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Robertson
Bailey	Higginbotham	Martin	Smith
Britnell	Holmes	McDonald	Taylor
deGraffenried	Keener	Miller	Teague
Denton	Kirkland	Mitchem	Vacca
Goodwin	Lemaster	Proctor	White
Hall			

—24

*Nays:* —0

MOTION TO ADJOURN

Mr. White moved that when the Senate adjourns today, it adjourn to meet again on Thursday, November 19, 1981, at 10 o'clock A.M., which motion was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 71. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount of not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, streets, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State the interest on all bonds issued pursuant to this act and the income therefrom.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 72. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in offshore oil, gas and other hydrocarbon minerals, create a board of trustees to

manage such trust fund and prescribe the powers thereof, provide for the investment of moneys held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, limit the liability of individual members of the board of trustees of such trust fund, and establish a legislative oversight commission.

JOHN W. PEMBERTON,  
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 75. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

was taken up.

Mr. Smith offered the following amendment to the Bill, H. B. 75, to-wit:

AMENDMENT TO H. B. 75

Amend H. B. 75, in the title, page 1, in line 24, by inserting the word "streets," just after the words "public roads" and before the word "highways"; and

Further amend H. B. 75, on page 3, line 6, by inserting the word "streets" after the words "public roads" and before the word "highways".

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Robertson
Bailey	Harrison	Martin	St. John
Britnell	Higginbotham	McDonald	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland	Proctor	White

—23

*Nays:*

—0

And said Bill, H. B. 75, as thus amended, was read a third time at length as required by the Constitution, and passed.

Yeas 26; Nays 3.

*Yeas:*

Messrs.:	Harrison	Martin	St. John
Bailey	Higginbotham	McDonald	Smith
Britnell	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Pearson	Weeks
Goodwin	Lemaster	Proctor	White
Hall	Little	Robertson	

—26

*Nays:* Messrs. Barron, Cook and Taylor.

—3

### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

And the Speaker of the House has appointed as a Committee on the part of the House Reps. Ford, Harvey and Adams (H).

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTIONS

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulleage, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 37. MOURNING THE UNTIMELY DEATH OF ALAN MANLEY OF ALBANY, GEORGIA.

WHEREAS, it is with a deep sense of sorrow and remorse that the Legislature of Alabama notes the tragic and untimely death of Alan Manley on November 17, 1981; and

WHEREAS, a native of Albany, Georgia, Alan was a graduate of Deerfield High School, where he was twice named as an all-state defensive lineman, before he signed to play football at Auburn University; and

WHEREAS, Alan was the first player that Coach Pat Dye signed after becoming head coach in early January, 1981, and even as a freshman distinguished himself as an offensive guard on the varsity team; and

WHEREAS, Alan's enthusiasm for the sport of football and the spirit of the team deeply endeared him to his fellow players and coaches; and

WHEREAS, his youthful outlook, vivacity and warm personality served as an inspiration to all with whom he came in contact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most grievously mourn the recent and untimely passing of Alan Manley and extend our deepfelt sympathy to his family.

RESOLVED FURTHER, that copies of this resolution be sent to the family of Alan Manley and to the Athletic Department of Auburn University.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White then offered the following Senate Joint Resolution, to-wit:

S. J. R. 38. MOURNING THE DEATH OF CARY CONDRA Y.

WHEREAS, Coach Pat Dye and everyone associated with Auburn football were stunned by the news of the tragic and untimely death of freshman Auburn football player Cary Condray, and his teammate Alan Manley; and

WHEREAS, Cary Condray, who played outstanding high school football at E. B. Erwin High School in Birmingham, will be greatly missed by his family and friends, as well as everyone in the Auburn football program; and

WHEREAS, we extend our sincerest and warmest sympathies and prayers to Cary's family; and

WHEREAS, Cary's enthusiasm for the sport of football and the spirit of the team deeply endeared him to his fellow players and coaches; and

WHEREAS, Cary was truly a credit to his family, his high school, Auburn University and to everyone associated with him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the tragic death of Cary Condray and that we extend to his family and friends our sincere condolences.

RESOLVED FURTHER, That copies of this resolution be sent to the family of Cary Condray and to the Athletic Department of Auburn University.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

### BILLS ON THIRD READING RESUMED

The Bill:

S. 61. To provide for executing "self proving" wills by the testator and affidavits of witnesses each before an officer authorized to administer oaths, and to provide the forms for the same.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Robertson	
Bailey	Higginbotham	Martin	St. John	
Britnell	Holmes	Mitchem	Smith	
deGraffenried	Keener	Parsons	White	
Denton	Kirkland	Proctor		—18

Nay: Mr. Hilliard.

—1

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 85. Relating to Escambia County; providing for the payment and distribution of net monies received from severance tax and privilege tax on oil and gas received under any general or local law; providing for the distribution of such funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975; providing for the distribution and allocation of said taxes from the State of Alabama; providing further for the use of all such funds received in Escambia County; authorizing certain other expenditures therefrom; providing for the allocation thereof for educational purposes; providing funds from such revenues for the construction of an elevator in the county courthouse and the construction of and equipment and supplies for the Escambia County Jail; creating the Escambia County Courthouse and County Jail Trust Fund for the funds and administration thereof for such construction, equipment and supplies; authorizing the investment of certain funds therefor; providing further for the distribution of a portion of such funds, pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, to the Escambia County Industrial Development Authority and providing that any unexpended monies therefrom shall revert to the county general fund; to make certain provisions of the act retroactive; to specifically repeal: Act No. 344, H. 679 of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771 of the 1978 Regular Session (Acts 1978, p. 1312); and Act No. 612, H. 1141 of the 1978 Regular Session (Acts 1978, p. 869), all relating to the distribution and allocation of net funds from severance taxes on oil and gas; and providing for the effective operations of the provisions of the Act.



Also:

H. 95. Relating to Escambia County; providing further for the compensation and clerical assistance for the county tax assessor and the tax collector.

Also:

H. 96. To provide that the Judge of Probate of Escambia County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said Judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTION

Messrs. Mitchem and Hall offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. DESIGNATING A PORTION OF U.S. HIGHWAY 78 "GEORGE LINDSEY HIGHWAY".

WHEREAS, George "Goober" Lindsey was born and raised in the City of Jasper, Alabama; and

WHEREAS, George "Goober" Lindsey, through his philanthropic efforts, was largely responsible for the financing of the George Lindsey Aquatic Center at Partlow State School in Tuscaloosa, Alabama; and

WHEREAS, George "Goober" Lindsey has raised and donated over \$26,000 to the Alabama Association of Retarded Citizens through benefit performances; and;

WHEREAS, George "Goober" Lindsey will be celebrating the tenth anniversary of the "George Lindsey Celebrity Golf Weekend" in 1982, having raised over \$500,000 to support athletic and physical fitness programs that have benefitted thousands of Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all that portion of U.S. Highway 78 from the Marion-Walker County Line to the Walker-Jefferson County Line, except that portion of U.S. 78 from mile post 57.71 to the intersection of Alabama 69 with U.S. 78, is designated as the "George Lindsey Highway."

RESOLVED FURTHER, That the President of the Senate shall cause a copy of this resolution to be sent to Mr. George "Goober" Lindsey.

Which was read and referred to the Standing Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Joint Resolution:

H. J. R. 41. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1981 REGULAR SESSION AND THE FIRST, SECOND AND THIRD SPECIAL SESSIONS OF THE LEGISLATURE; AND REPEALING ACT NO. 81-673, H. J. R. 377 OF THE 1981 REGULAR SESSION, SETTING SUCH ELECTION.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Venable, Roberts and Clark (G).

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Senate acceded to the request of the House on the Senate Conference on the disagreement of the two Houses on the Senate amendment to the Resolution, H. J. R. 41, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Teague, McDonald, and Higginbotham.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 39. DESIGNATING A PORTION OF U.S. HIGHWAY 78 "GEORGE LINDSEY HIGHWAY".

On motion of Mr. Mitchem, said Resolution was then adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 25. COMMENDING MRS. BEVERLY POOLE BAKER FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND CIVIC INVOLVEMENT.

Also:

S. J. R. 26. COMMENDING THE BIRMINGHAM HERITAGE BAND, CONDUCTED BY BANDMASTER AMOS GORDON OF THE BIRMINGHAM'S JAZZ HALL OF FAME.

Also:

S. J. R. 29. MOURNING THE DEATH OF J. GORDON MADISON.

Also:

S. J. R. 30. MOURNING THE RECENT DEATH OF JUDGE CLIFFORD KING DELONY OF TUSCUMBIA, ALABAMA.

Also:

S. J. R. 34. COMMENDING THE UNITED STATES AND ALABAMA JAYCEES, AND REQUEST GOVERNOR FOB JAMES TO PROCLAIM THE WEEK OF JANUARY 17-23, 1982, AS "JAYCEE WEEK IN ALABAMA."

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 75. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, streets, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President, Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 85. Relating to Escambia County; providing for the payment and distribution of net monies received from severance tax and privilege tax on oil and gas received under any general or local law; providing for the distribution of such funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975; providing for the distribution and allocation of said taxes from the State of Alabama; providing further for the use of all such funds received in Escambia County; authorizing certain other expenditures therefrom; providing for the allocation thereof for educational purposes; providing funds from such revenues for the construction of an elevator in the county courthouse and the construction of and equipment and supplies for the Escambia County Jail; creating the Escambia County Courthouse and County Jail Trust Fund for the funds and administration thereof for such construction, equipment and supplies; authorizing the investment of certain funds therefor; providing further for the distribution of a portion of such funds, pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, to the Escambia County Industrial Development Authority and providing that any unexpended monies therefrom shall revert to the county general fund; to make certain provisions of the act retroactive; to specifically repeal: Act No. 344, H. 679 of the 1953 Regular Session (Acts 1953, p. 407); Act No. 883, S. 771 of the 1978 Regular Session (Acts 1978, p. 1312); and Act No. 612, H. 1141 of the 1978 Regular Session (Acts 1978, p. 869), all relating to the distribution and allocation of net funds from severance taxes on oil and gas; and providing for the effective operations of the provisions of the Act.

Also:

H. 95. Relating to Escambia County; providing further for the compensation and clerical assistance for the county tax assessor and the tax collector.

Also:

H. 96. To provide that the Judge of Probate of Escambia County shall be compensated on a salary basis and to prescribe the amount of such salary; to provide for employees who shall serve at the pleasure of said Judge and to provide for reimbursement of all expenses incurred in the official operation of the office.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 82. To authorize the Blount County Commission to provide protection against forest fires within the county to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

JOHN W. PEMBERTON,  
Clerk.

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

To the Members of the House of Representatives  
State Capitol  
Montgomery, Alabama  
Ladies and Gentlemen:

In House Resolution 11<sup>1</sup> you requested our opinion regarding H. B. 57<sup>2</sup> which would amend Code 1975, § 17-4-138, to provide that only probate judges who receive compensation on the fee system and prepare lists of qualified electors shall receive \$0.05 per name for preparation of such lists. The present § 17-4-138 makes no distinction between judges who are paid on the fee system and those who are not. The question that you have posed is as follows:

"Does Section 1 of H. B. 57, amending Section 17-4-138 of the Code of Alabama 1975, which in part deletes the language, 'The judge of probate shall receive or such,' and adds 'and only those judges of probate, on the fee system who prepare such lists' fall within the constitutional prohibition of Section 6.09(d) of Amendment No. 328 to the Constitution of Alabama of 1901?"

Our answer is yes.

In pertinent part, Ala. Const. 1901, amend 328, § 6.09(d), provides that "the compensation of a judge shall not be diminished during his official term." Probate judges are included within the protection afforded by the above-quoted sentence in § 6.09 (d). The present wording of § 17-4-138 does not distinguish between judges paid on the fee system and those not paid on the fee system. Presently, all probate judges are entitled to receive compensation of \$0.05 per name for the preparation of lists of qualified electors. The proposed amendment would remove this form of compensation from probate judges not compensated on the fee system. It has been remarked that "the constitutional inhibitions against changes in the compensation of judges during their terms of office prohibit any and every kind of change in a judge's salary, whether direct or indirect." 46 Am.Jur. 2d Judges § 68, at 139 (1969) (footnote omitted). In the instant matter, the proposed change clearly would reduce the compensation of probate judges who are not compensated on the fee system for work performed in preparation of lists of qualified electors. It, therefore, contravenes amend. 328, § 609(d) and is unconstitutional.

Nevertheless, we note that if H. B. 57 were made effective at the expiration of the terms of all probate judges affected, the bill's objective would be permissible and constitutionally valid. *Wilkins v. Woolf*, 281 Ala. 693, 208 So. 2d 74 (1968).

Respectfully submitted,  
C. C. TORBERT, JR.,  
Chief Justice.  
HUGH MADDOX,  
JAMES H. FAULKNER,  
RENEAU P. ALMON,  
JANIE L. SHORES,  
OSCAR W. ADAMS, JR.,  
Associate Justices.

<sup>1</sup> Set out in Appendix A.

<sup>2</sup> Set out in Appendix B.

## APPENDIX A

H. R. 11. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 57, WHICH AMENDS SECTION 17-4-138 OF THE CODE OF ALABAMA 1975, PROVIDING PAYMENT FOR THE PREPARATION OF LISTS OF QUALIFIED ELECTORS.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give their written opinions on the following important constitutional question which has arisen concerning the pending H. B. 57, amending Section 17-4-138 of the Code of Alabama 1975, to provide, inter alia, that only those judges of probate who are compensated on a fee system and who prepare the lists of qualified electors shall receive the \$0.05 per name for preparation of such list, copies of which are attached to this resolution and made a part hereof by reference:

1. Does Section 1 of H. B. 57, amending Section 17-4-138 of the Code of Alabama 1975, which in part deletes the language, "The judge of probate shall receive or such," and adds "and only those judges of probate, on the fee system who prepare such lists" fall within the constitutional prohibition of Section 6.09(d) of Amendment No. 328 to the Constitution of Alabama of 1901?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send sufficient true copies of the pending H. B. 57, with attachments, to the Clerk of the Supreme Court of Alabama and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

## APPENDIX B

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 17-4-138 of the Code of Alabama 1975, relating to the judge of probate, clerical assistants and certain boards of registrars and the preparation of lists of qualified electors, so as to provide further for the payment therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-138 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 17-4-138. (a) The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge or [sic] probate is required to furnish the election inspectors. Such assistants and only those judges of probate, on the fee system who prepare such lists, shall be paid out of the county treasury by warrants, drawn by the county commission on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this chapter, but the entire amount spent for the preparation of such lists shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by \$.05 for the preparation of such list.

"(b) The judge of probate in all counties having a population of not less than 100,000 nor more than 350,000 according to the last or any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the board of registrars revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, nonresident and fictitious [sic] persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation out of the county treasury, of not more than \$250.00 per month, to be fixed by the judge of probate.

"(c) The board of registrars shall be furnished with not less than 450 square feet of office space by the county governing body. The chairman of the board of registrars is hereby authorized to purchase all necessary office equipment and hire all necessary part time or full time clerical help to perform its prescribed duties.

"(d) At the discretion of the board of registrars, voting machines may be placed in their office."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The foregoing Message from the Supreme Court was read and ordered spread upon the Journal.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 51. COMMENDING DR. AMOS GARRETT, ROBERTSDALE, ALABAMA, PROMINENT DENTIST AND CIVIC LEADER.

Also:

By Reps. Mitchell and Clark (G):

H. J. R. 54. HONORING JUDGE ROBERT H. KIRKSEY UPON HIS RETIREMENT AS PROBATE JUDGE OF PICKENS COUNTY.

Also:

By Reps. Stout, Shavers and Hall:

H. J. R. 55. COMMENDING MR. CECIL BRADDEN WORD, PROMINENT NORTH ALABAMA BUSINESSMAN AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Gulledge, the Rules were suspended and the Resolution, H. J. R. 51, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 54, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Lemaster, the Rules were suspended and the Resolution, H. J. R. 55, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 20. To amend Act Number 81-753, relating to the boundary lines of the Town of New Hope, Alabama, as follows: To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill No. 20 without the Governor's signature and approval.

Respectfully submitted,  
WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 18th day of November, 1981.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 20, without my signature and approval and with the following suggested Executive Amendment:

From the Enrolled Act, on the second page, counting down to the fifth line of Section 3, after the word "annexation," delete the remainder of that sentence beginning with the word "at" and insert in lieu thereof the words "on the same date as the next statewide special election called by the Governor."

The Adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.



And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill H. B. 20 by a vote of: Yeas 52, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of: Yeas 45, Nays 0.

And said Bill, H. B. 20, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Lemaster, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 20, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 20, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Hilliard	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 18. To state the intent of the Legislature; to amend § 34-24-70 of the Code of Alabama, 1975, to state the qualifications required of applicants by examination or by reciprocity; to distinguish between graduates of colleges of medicine and colleges of osteopathy located in the United States or District of Columbia and other such graduates; to permit receipt of satisfactory evidence showing graduation in lieu of a diploma; to delete the requirement that a graduate of a foreign medical or osteopathic school complete a residency; to delete the requirement that a graduate of a foreign medical or osteopathic school be eligible to take the examination of an approved specialty board; to amend the requirement that a graduate of a foreign medical or osteopathic school be certified by the educational council for foreign medical graduates so that such graduate must only have received a passing grade on the written examination; to require that graduates of foreign medical or osteopathic schools complete at least one year of internship at a hospital approved by the board of medical examiners; to delete the provision of § 34-24-70 that relates to county licenses; to require graduates of foreign medical or osteopathic schools and graduates of medical or osteopathic schools located in the United States or District of Columbia who have not passed a specified written examination within the ten years immediately preceding the date of the application to successfully complete an oral examination; to exempt from such oral examination applicants who have been certified by an approved specialty board or who have passed a recertification examination given by an approved board within the same ten year period; and to provide rule making authority.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 73. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

and requests a Committee on Conference.

And the Speaker of the House has appointed as the Conferees on the part of the House Clark (G), Drinkard and Manley.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Cook, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 73, the title of which is set out in the foregoing Message from the House.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Robertson
Bailey	Harrison	Little	St. John
Cook	Higginbotham	Martin	Smith
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland	Proctor	White
Gulledge			—24

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Keener, Parsons, and Mitchem.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 56. CREATING AN INTERIM COMMITTEE ON NEW GUIDELINES OF THE FARMER'S HOME ADMINISTRATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be known as the Farmer's Home Administration Guideline Interim Study Commission, which shall be composed of six members, three from the house and three from the senate, appointed by their respective presiding officers. The committee shall study any new guidelines of the Farmer's Home Administration as such guidelines might affect the farmers of this State. The committee shall report its findings to the Legislature no later than the 20th legislative day of the 1982 Regular Session.

The members shall select from among their numbers a chairman. The committee shall meet on such dates and at such locations as may be called for by the chairman. The members shall receive their regular legislative per diem, compensation and mileage for each day's attendance at a meeting of the committee, except that if the meeting day falls on the same day that a member is otherwise so compensated for another committee meeting or legislative session, he shall not be compensated under this resolution.

The committee is hereby limited to a budget of \$5,000.00, and such sum or so much thereof as is necessary is hereby appropriated from legislative funds available for such purposes for the work of the committee.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 56, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 37. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to provide for published notice of meetings of the authority; to provide that a majority of a quorum present and voting shall be sufficient for any corporate action; to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use of distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

said Conference Report being in words and figures as follows:

## REPORT OF COMMITTEE OF CONFERENCE ON H. B. 37

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the H. B. 37 have met, considered the bill, and have agreed to the following report:

We recommend that the bill be substituted as follows and then passed by both houses:

Respectfully submitted,

ERIC O. CATES, JR.,

W. J. CABANISS, JR.,

BILL DRINKARD,

Conferees on the part of the House.

HINTON MITCHEM,

MAC PARSONS,

LARRY KEENER,

Conferees on the part of the Senate.

## CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 37

A BILL  
TO BE ENTITLED  
AN ACT

To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the member-

ship, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to provide for published notice of meetings of the authority; to provide that a majority of a quorum present and voting shall be sufficient for any corporate action; to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use and distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. § 24-1A-4 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 24-1A-4.

"(a) The applicants named in the application and their respective successors in office together with the appointments made by the speaker of the house and the lieutenant governor, respectively, shall constitute the members of the authority. The speaker of the house shall appoint two members to the board of directors and the lieutenant governor shall appoint two members to the board of directors. The governor shall, as soon as convenient after the passage of this chapter, appoint one person from each of the now existing seven congressional districts as members of the authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member and/or successor shall be a citizen of the state, of good reputation and at the time of their appointment two of such members shall be engaged in the business of home building, two shall be licensed real estate brokers, who are not in the business of home building; one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a mortgage lender; one shall be an elected commissioner of a county in the state; and one shall be an elected mayor of a municipality. The members first appointed shall be appointed for terms of one, two, three, four, five, six and seven years respectively, and the governor in the appointment shall designate the expiration date of the term of the member. The members appointed by the speaker of the house shall be appointed for three and five year terms and the members appointed by the lieutenant governor shall be for four and six year terms, each commencing January 1, 1982. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the authority may be impeached or removed from office in the same manner and on the same grounds as provided in section 175 of the Constitution of Alabama and the general laws of the state relating to the impeachment and removal of public officers. At least one member shall be a member of the minority race. The director of finance, the state treasurer and the superintendent of banks shall serve as ex officio members of the authority.

"(b) The members of the authority shall constitute all the members of the board of directors of the authority, in which all powers of the authority shall be vested, and any four a majority of the members of the board of directors shall constitute a quorum for the transaction of business.

"(c) The board of directors shall elect from among its members, a chairman, a vice-chairman, a secretary, a treasurer and such other officers as it may determine. The board of directors may also elect an assistant secretary and an assistant treasurer, who need not be members of the board of directors.

"(d) Regular meetings of the board of directors shall be held at such time and place as shall be fixed by resolution of the board of directors and special meetings of the board of directors shall be held at the call of the chairman or whenever three members of the board of directors so request; provided, that no meeting shall be held unless five days prior written notice of the time, place and purpose of such meeting shall have been given to each member of the Oversight Committee and five day's public notice has been given in at least three daily newspapers in diverse parts of the state outlining the time, place and purpose of the meeting. Public notice shall not be waived. Any action taken by the authority under the provisions of this chapter may be authorized by resolution approved by a majority of a quorum present and voting at least four of the directors present at any regular or special meeting. No member, officer or director of the authority shall receive any salary therefor, but he may be reimbursed for necessary travel and the reasonable expenses of performing the duties of office. All proceedings had and done by the board of directors shall be reduced to writing by the secretary or assistant secretary of the authority, shall be signed by at least three directors and shall be recorded in a substantially bound book and filed in the office of the authority. All proceedings of the board shall be open to the public and all records of the board shall be subject to public inspection during business hours. Copies of such proceedings, when certified by the secretary or assistant secretary of the authority under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified. The official records of the authority shall be permanently maintained in the office of the finance director.

"(e) No member, officer, director or employee shall be personally liable for the obligations or acts of the authority.

"(f) There shall be established a legislative oversight committee to provide recommendations to the board concerning efficient operation of the authority. The committee shall consist of seven members of the house of representatives, one from each congressional district appointed by the speaker of the house and seven members of the senate, one from each congressional district appointed by the lieutenant governor. The governor, lieutenant governor and speaker of the house or their designated representative shall serve as ex officio members. The legislative members, after their initial appointment, shall be named at each organizational session and all members shall serve until their successors are properly qualified. All members of this committee shall be entitled to their actual expenses incurred in the performance of their duties as members of the committee.

"(g) Each appointed member, officer or director of the authority shall be paid actual expenses incurred in the performance of his duties pursuant to the provisions of this act, whether incurred within or without the state of Alabama; provided, however, each legislative member of the Oversight Committee shall be paid his regular legislative compensation for each day's

attendance at meetings when not in legislative session plus actual expenses incurred in the performance of his duties pursuant to the provisions of this act when traveling outside the state of Alabama; and the finance director, state treasurer and superintendent of banks shall serve without pay but shall be entitled to their actual expenses incurred in the performance of their duties pursuant to the provisions of this act. Any payment for compensation or reimbursement for expenses shall be made from any funds of the Alabama Housing Finance Authority."

Section 2. § 24-1A-7 of the Code of Alabama 1975, is hereby amended to read as follows:

"§24-1A-7.

"(a) All moneys derived from the sale of any bonds issued by the authority shall be used solely for the purpose or purposes for which the same are authorized, including costs and expenses of issue. Such costs and expenses may include but shall not be limited to:

"(1) The fiscal, legal and other expenses incurred in connection with the issuance of the bonds; and

"(2) Except in case of refunding bonds, interest to accrue on such bonds for a period ending not later than two years from their date.

"(b) Bonds shall be issued in series, each of which shall be separately designated in the proceedings authorizing their issuance. The board of directors in the proceedings authorizing a series of bonds (other than refunding bonds) shall specify the purposes for which the proceeds of such series shall be used. The proceeds of a series of bonds shall be used either for making, directly or indirectly, single family mortgage loans or for making, directly or indirectly, multi-family mortgage loans or for making, directly or indirectly, home improvement loans for eligible existing single family housing units, and the proceeds of a single series of bonds shall not be used for both any combination of single family mortgage loans, and multi-family mortgage loans and home improvement loans. Separate series of bonds may be issued at the same time. No series of bonds, the proceeds which are to be used for multi-family mortgage loans, shall be actually issued prior to January 1, 1981, although the authority may enter into agreements or commitments with regard to the issuance of such bonds prior to January 1, 1981.

"(c) In the proceedings authorizing any bonds (other than refunding bonds) the proceeds of which are to be applied, directly or indirectly, to the making of single family mortgage loans, the board of directors shall specify the portion of the proceeds thereof which the board of directors has determined are to be used for the purpose of providing funds with respect to the making, directly or indirectly, of such mortgage loans, and of such portion shall allocate (1) a minimum of 70 percent of such proceeds to the making of mortgage loans with respect to new and previously unoccupied eligible housing units, and (2) not exceeding 30 percent of such proceeds to the making of mortgage loans for existing eligible housing units and for the purchase of existing mortgage loans with respect to eligible housing units; provided, however, that if the authority determines, after 60 days from the date of issuance of any series of bonds issued for the purpose of financing single family mortgage loans, that the proceeds of such series have not been expended or committed to be expended for mortgage loans with respect to new and previously unoccupied eligible housing units, then such proceeds may be used to finance any single family mortgage loans.

"(d) If, for any series of bonds the proceeds of which are to be used for making, directly or indirectly, single family mortgage loans, the total requests for mortgage funds by mortgage lenders at the interest rate nearest to the mortgage interest rate actually obtained by the bond issue are less than or equal to an amount equal to the maximum principal amount of mortgage revenue bonds which may be issued under Federal law during the then-current calendar year, then the authority shall allocate the net proceeds available for mortgage loans in such manner as it shall determine in its sole discretion.

"(e) If, for any series of bonds the proceeds of which are to be used for making, directly or indirectly, single family mortgage loans, the total requests for mortgage funds by mortgage lenders at the interest rate nearest to the mortgage interest rate actually obtained by the bond issue exceed an amount equal to the maximum principal amount of mortgage revenue bonds which may be issued under Federal law during the then-current calendar year, then thirty-five percent (35%) of the net proceeds available for mortgage loans shall be allocated equally among the 67 counties of the state for a period of sixty (60) days commencing on the date of issuance of such series of bonds. The authority, in its sole discretion, shall have the option to extend such 60-day period for an additional 30 days, and the further option to extend such period for an additional 30 days. At the expiration of such period, including any extension thereof, the authority may reallocate in the manner provided in subsection (d) of this section any portion of any county's original allocation which is not the subject of a written commitment for mortgage loans by mortgage lenders. The remaining 65% of such net proceeds shall be allocated by the authority in the manner provided in subsection (d) of this section."

Section 3. § 24-1A-9 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 24-1A-9.

"Notwithstanding any other provision of this chapter to the contrary, the authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982, except as authorized by act of the legislature regularly enacted into law December 30, 1983."

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 37, the



title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Hall	Martin	Smith
Barron	Harrison	Miller	Teague
Callahan	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	White
Denton	Kirkland		

—21

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 6. To alter, rearrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Also:

S. 10. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 8. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

Also:

S. 11. To amend Section 28-3-74 (e) of the Code of Alabama 1975, to provide that when a county changes its status from a dry county to a wet county that such county will be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next

quarter of the fiscal year. To further provide that a newly created municipality in a wet county shall be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year.

Also:

S. 15. To amend section 36-17-3, Code of Alabama 1975, relating to the duties of the state treasurer, so as to further authorize the treasurer to deposit money and securities deposited with the state to be held in the vault of any bank in the state which is insured by the Federal Deposit Insurance Corporation and located in a federal reserve bank city.

Also:

S. 27. To amend Sections 22-12A-2, 22-12A-3 and 22-12A-6 of the Code of Alabama 1975, relating to the Perinatal Health Act and legislative intent, content and the use of funds generally, so as to further provide therefor and enunciate the legislative intent with respect to educational programs.

Also:

S. 47. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Also:

S. 53. To provide that State Legislators' travel expenses shall be treated for state income tax purposes in the same manner as for federal income tax purposes.

JOHN W. PEMBERTON,  
Clerk.

#### ADJOURNMENT

At 4 o'clock P.M., on motion of Mr. White, in accordance with motion heretofore adopted, the Senate adjourned until Thursday, November 19, 1981, at 10 o'clock A.M.

## NINTH LEGISLATIVE DAY

THURSDAY, NOVEMBER 19, 1981

The Senate met pursuant to adjournment, President Pro Tempore St. John presiding.

## PRAYER

The Session was opened with prayer by the Reverend Walter Albritton, Pastor, Whitfield Memorial United Methodist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Goodwin	Kirkland	Robertson
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague
Cook	Hilliard	Miller	Vacca
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White

—31

## JOURNAL

On motion of Mr. Cook, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. Cook, leave of absence was granted Messrs. Figures, Glass, Pearson, and Proctor for today.

## REPORT OF CONFERENCE COMMITTEE

## SENATE BILL 28

We, the Committee on Conference appointed to reconcile the differences of the two houses concerning the Senate Bill No. 28 have met in conference and have agreed to accept the attached substitute.

LARRY H. KEENER,

HINTON MITCHEM,

RYAN deGRAFFENRIED,

Senate conferees.

JOE M. FORD,

BOB HARVEY,

BILL ADAMS,

House Conferees.

November 19, 1981

## CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 28

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective February 1, 1982, in Etowah County, each deputy sheriff shall receive a uniform maintenance allowance in the amount of \$40.00 per month.

Section 2. Effective February 1, 1982, in addition to any and all other compensation heretofore provided by law, each deputy sheriff who is engaged in hazardous duties shall be paid, upon certification by the sheriff to the county commission that the deputy performs hazardous duties, the sum of \$60.00 per month.

Section 3. All allowances and compensation paid under the provisions of this act shall be paid out of such funds and in the same manner as other compensation to such deputy sheriffs is paid.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE REPORT

On motion of Mr. Keener, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Smith
Bailey	Gulledge	Little	Taylor
Barron	Hall	Martin	Teague
Britnell	Harrison	McDonald	Vacca
Callahan	Higginbotham	Mitchem	Weeks
Cook	Hilliard	St. John	White
Denton	Keener		

—25

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 15. To amend Section 1 of Act No. 81-967 of the first special session of the Alabama Legislature in 1981 by further amending § 43-3-10 Code of Alabama 1975, which provides for descent and distribution of personalty.

Also:

H. 82. To authorize the Blount County Commission to provide protection against forest fires within the county to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 6. To alter, rearrange and extend the boundaries and corporate limits of the CITY OF CALERA, ALABAMA, so as to incorporate certain territory as described herein.

Also:

S. 8. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used tire of an automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade as a credit or part payment on the sale of a tire for an automotive vehicle, truck trailer, semitrailer, or house trailer, the sales tax shall be paid on the net difference.

Also:

S. 10. To amend Sections 40-17-160, 40-17-161, 40-17-165 and 40-17-166 of the Code of Alabama, 1975, relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles; to provide further for decals to be placed on such vehicles; to provide certain exemptions from taxation of such gas; and to provide further for penalties for the violation of the provisions of the act.

Also:

S. 11. To amend Section 28-3-74(e) of the Code of Alabama 1975, to provide that when a county changes its status from a dry county to a wet county that such county will be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year. To further provide that a newly created municipality in a wet county shall be accepted as a beneficiary for participation in the ABC system profits as provided by law at the beginning of the next quarter of the fiscal year.

Also:

S. 15. To amend section 36-17-3, Code of Alabama 1975, relating to the duties of the state treasurer, so as to further authorize the treasurer to deposit money and securities deposited with the state to be held in the vault of any bank in the state which is insured by the Federal Deposit Insurance Corporation and located in a federal reserve bank city.

Also:

S. 18. To state the intent of the Legislature; to amend § 34-24-70 of the Code of Alabama, 1975, to state the qualifications required of applicants by examination or by reciprocity; to distinguish between graduates of colleges of medicine and colleges of osteopathy located in the United States or District of Columbia and other such graduates; to permit receipt of satisfactory evidence showing graduation in lieu of a diploma; to delete the requirement that a graduate of a foreign medical or osteopathic school complete a residency; to delete the requirement that a graduate of a foreign medical or osteopathic school be eligible to take the examination of an approved specialty board; to amend the requirement that a graduate of a foreign medical or osteopathic school be certified by the educational council for foreign medical graduates so that such graduate must only have received a passing grade on the written examination; to require that graduates of foreign medical or osteopathic schools complete at least one year of internship at a hospital approved by the board of medical examiners; to delete the provision of § 34-24-70 that relates to county licenses; to require graduates of foreign medical or osteopathic

schools and graduates of medical or osteopathic schools located in the United States or District of Columbia who have not passed a specified written examination within the ten years immediately preceding the date of the application to successfully complete an oral examination; to exempt from such oral examination applicants who have been certified by an approved specialty board or who have passed a recertification examination given by an approved board within the same ten year period; and to provide rule making authority.

Also:

S. 27. To amend Sections 22-12A-2, 22-12A-3 and 22-12A-6 of the Code of Alabama 1975, relating to the Perinatal Health Act and legislative intent, content and the use of funds generally, so as to further provide therefor and enunciate the legislative intent with respect to educational programs.

Also:

S. 47. To amend Section 40-25-23, Code of Alabama 1975, so as to reallocate a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and to appropriate so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$3,000,000 in aggregate principal amount.

Also:

S. 53. To provide that State Legislators' travel expenses shall be treated for state income tax purposes in the same manner as for federal income tax purposes.

Also:

S. J. R. 25. COMMENDING MRS. BEVERLY POOLE BAKER FOR OUTSTANDING ACADEMIC ACHIEVEMENT AND CIVIC INVOLVEMENT.

Also:

S. J. R. 26. COMMENDING THE BIRMINGHAM HERITAGE BAND, CONDUCTED BY BANDMASTER AMOS GORDON OF THE BIRMINGHAM'S JAZZ HALL OF FAME.

Also:

S. J. R. 29. MOURNING THE DEATH OF J. GORDON MADISON.

Also:

S. J. R. 30. MOURNING THE RECENT DEATH OF JUDGE CLIFFORD KING DELONY OF TUSCUMBIA, ALABAMA.

Also:

S. J. R. 34. COMMENDING THE UNITED STATES AND ALABAMA JAYCEES, AND REQUEST GOVERNOR FOB JAMES TO PROCLAIM THE WEEK OF JANUARY 17-23, 1982, AS "JAYCEE WEEK IN ALABAMA."

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

## MOTION TO RECESS LOST

At 10:25 A.M., Mr. Goodwin moved that the Senate take a recess, which motion was lost.

Yeas 8; Nays 11.

Yeas:

Messrs.:	Goodwin	Martin	Robertson	
Callahan	Higginbotham	Miller	Teague	
Cook				—8

Nays:

Messrs.:	Denton	Hilliard	McDonald	
Barron	Hall	Holmes	Smith	
Britnell	Harrison	Lemaster	Taylor	—11

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 40. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the third Special Session 1981 only:

BILL NO.	PAGE NO.	DESCRIPTION
H. B. 24	suppl.	Hazardous waste treatment fac.
H. B. 67	suppl.	Water systems

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 31. Relating to DeKalb County, to provide for an advisory referendum to select one of two methods for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Lemaster, the Senate non-concurred in the following House amendment to the Bill, S. B. 31, the title of which is set out in the foregoing Message from the House, to-wit:



HOUSE AMENDMENT TO S. B. 31

Amend S. 31, page 1, Section 1, Line 27 by striking the words forty percent and inserting in lieu thereof, 44.61 percent

HOUSE AMENDMENT TO S. B. 31

Amend S. 31, page 1, Section 1, Line 19 by striking election in September 1982 and inserting in lieu thereof, general, or special election.  
and requested a Committee on Conference.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Smith
Bailey	Goodwin	Lemaster	Taylor
Barron	Gulledge	Little	Teague
Britnell	Hall	McDonald	Vacca
Callahan	Harrison	Mitchem	Weeks
Cook	Hilliard	St. John	White
deGraffenried	Holmes		

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Lemaster, Mitchem, and Martin.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McCorquodale, Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Higginbotham, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 47. COMMENDING JUDGE JOSEPH MONROE HOCKLANDER UPON HIS RETIREMENT AS PRESIDING JUDGE OF THE 13TH JUDICIAL CIRCUIT IN MOBILE, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 47, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 41. COMMENDING GOVERNOR FOB JAMES FOR ADOPTING THE ECONOMIC POLICIES OF JOHN MAYNARD KEYNES.

Which was adopted.

## BILLS ON THIRD READING

The Bill:

H. 106. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of County Line, in Blount County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Smith	
Bailey	Hall	Little	Taylor	
Barron	Higginbotham	Martin	Teague	
Britnell	Hilliard	McDonald	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Cook	Keener	St. John	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 108. Proposing an amendment to the Constitution of 1901, to repeal Amendment No. 132 of the Constitution of 1901, relating to altering or re-arranging or reducing or abolishing Macon County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Parsons	
Bailey	Gulledge	Little	St. John	
Barron	Hall	Martin	Smith	
Britnell	Hilliard	McDonald	Taylor	
Callahan	Holmes	Miller	Teague	
Cook	Keener	Mitchem	Weeks	
Denton	Kirkland			—25

*Nay:* Mr. White. —1

The Bill:

H. 110. Relating to Fayette County; setting fees for pistol permits; providing for disposition of the proceeds from such fees and specifically repealing Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), as amended by Act No. 734, H. 1283, Regular Session 1976 (Acts 1976, p. 1015), and all other laws in conflict herewith.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Smith	
Bailey	Hilliard	McDonald	Taylor	
Britnell	Holmes	Miller	Teague	
Cook	Keener	Mitchem	Vacca	
Denton	Kirkland	Parsons	Weeks	
Goodwin	Lemaster	St. John	White	
Gulledge	Little			—25

*Nays:* —0

The Bill:

H. 111. To further regulate the sale of alcoholic beverages and the distribution of local municipal alcoholic beverage tax in Lauderdale County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Hall	McDonald	Taylor	
Barron	Hilliard	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	St. John	White	
Denton	Lemaster			—25

*Nays:* —0

## RESOLUTION

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 42. COMMENDING B. MICHAEL WILLINGHAM, AN OUTSTANDING BUSINESS, CIVIC, AND COMMUNITY LEADER IN THE CITY OF BIRMINGHAM AND JEFFERSON COUNTY, ALABAMA.

Which was adopted.

## MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 37. To provide further for the Alabama Housing Finance Authority; to amend Section 24-1A-4 of the Code of Alabama 1975, relating to the membership, appointments, compensation and expenses of the authority, so as to increase the membership and to provide further for the compensation and expenses of the members of the authority and Oversight Committee, to provide that all such compensation and expenses for all such members shall be paid from any funds of the Alabama Housing Finance Authority; to provide for published notice of meetings of the authority; to provide that a majority of a quorum present and voting shall be sufficient for any corporate

action: to amend Section 24-1A-7 of the Code of Alabama 1975, relating to the use and distribution of the proceeds from the sale of bonds, so as to provide further therefor; and to amend Section 24-1A-9 of the Code of Alabama 1975, which limits the period for the issuance of bonds.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 32. EXPRESSING THE LEGISLATURE'S PRIDE IN THE SECOND SUCCESSFUL LAUNCH AND FLIGHT OF THE HISTORIC COLUMBIA SPACE SHUTTLE.

Also:

S. J. R. 35. URGING THE ESTABLISHMENT OF A CENTER FOR APPLIED EDUCATIONAL RESEARCH AND DEVELOPMENT AT UAB.

JOHN W. PEMBERTON,  
Clerk.

### SPECIAL ORDER

#### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 24. To prescribe that no more than one commercial hazardous waste treatment facility or disposal site shall be situated in any one county and to require legislative approval for any such commercial hazardous waste treatment facility or disposal site.

The Standing Committee on Health and Welfare reported the following amendment to the Bill, H. B. 24, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 24

Amend House Bill No. 24 on Page 1, Line 33, by striking out the words "legislative enactment" and inserting in lieu thereof the word "resolution".

Which was adopted.

Yeas 13; Nays 0.

*Yeas:*

Messrs.:	Hall	Kirkland	Smith	
Barron	Harrison	McDonald	Taylor	
Cook	Higginbotham	Parsons	White	
Goodwin	Hilliard			—13
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 65. To make a supplemental appropriation from the Alabama special educational trust fund to the Alabama Department of Youth Services for the fiscal year ending September 30, 1982, for the purposes of subsidizing in part certain regional juvenile detention centers and other purposes; and to state legislative intent.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Minus (with notice and proof):

H. 113. Relating to Choctaw County; to prohibit the use of steel traps to catch fur-bearing animals; to provide an exception for the catching of beaver.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 113, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 113. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 20. To amend Act Number 81-753, relating to the boundary lines of the Town of New Hope, Alabama, as follows:

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of NEW HOPE IN MADISON COUNTY, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 51. COMMENDING DR. AMOS GARRETT, ROBERTS-DALE, ALABAMA, PROMINENT DENTIST AND CIVIC LEADER.

Also:

H. J. R. 54. HONORING JUDGE ROBERT H. KIRKSEY UPON HIS RETIREMENT AS PROBATE JUDGE OF PICKENS COUNTY.

Also:

H. J. R. 55. COMMENDING MR. CECIL BRADDEN WORD, PROMINENT NORTH ALABAMA BUSINESSMAN AND CIVIC LEADER.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 24

The Senate proceeded to further consideration of the Bill, H. B. 24, as amended.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bennett:

H. J. R. 64. CONGRATULATING THE HOMEWOOD HIGH SCHOOL BAND ON ITS SELECTION TO LEAD THE MACY'S THANKSGIVING DAY PARADE.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 64, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Dial, McCorquodale, Manley, Shoemaker, Cates, Pegues, Holley, Johnson (R. G.) and Smith (J):

H. J. R. 48. DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF REVENUE TO WITHDRAW THE NEW PROPERTY TAX REASSESSMENT PLAN RECENTLY PROMULGATED.

WHEREAS, a recent property tax reassessment plan of the Commissioner of Revenue utilizes a formula for the evaluation of residential property in our state using 6.0 as an index rate; and

WHEREAS, with the implementation of this new ruling of the Commissioner, taxes would automatically increase some 25 percent for the average residential property owner in Alabama; and

WHEREAS, in rebuttal of the 6.0 index plan the legislature contends that the formula is improper in that such costs as discount points and real estate commissions are included in the evaluation for tax assessments; and

WHEREAS, it is conservatively estimated that such a plan will increase taxes of Alabamians some \$125 million without legislative approval or action of any kind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Commissioner of Revenue to withdraw the new property tax reassessment plan and to continue to allow property to be taxed at the value as assessed for 1980-81.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded forthwith to the Commissioner of Revenue and to Governor Fob James.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 48, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Willis and Rains:

H. J. R. 58. COMMENDING REPRESENTATIVE JACK VENABLE ON HIS RECOMMENDATION OF BREVITY FOR PROPOSED CONSTITUTIONAL AMENDMENTS.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The Resolution, H. J. R. 58, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Gafford:

H. J. R. 61. EXTENDING CONGRATULATIONS AND BEST WISHES TO MS. ROBIN WOODARD AND MR. RALPH HOLMES.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 61, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 33. MOURNING THE TRAGIC DEATH OF THE REVEREND J. KING CHANDLER, III, OF BIRMINGHAM, ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Hall, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 33, the title of which is set out in the foregoing Message from the House, to-wit:



HOUSE SUBSTITUTE FOR S. J. R. 33

S. J. R. 33. MOURNING THE TRAGIC DEATH OF THE  
REVEREND J. KING CHANDLER, III, OF BIRMINGHAM, ALABAMA.

WHEREAS, the State of Alabama has been deeply shocked and saddened by the death of the Reverend J. King Chandler, III, of Birmingham, Alabama, on Wednesday, November 11, at the age of 58 years; and

WHEREAS, the Reverend Chandler died as the result of a gunshot wound inflicted by an assailant, as yet unknown, a deplorable and senseless act which cut short the life of one of our State's most outstanding citizens; and

WHEREAS, the Reverend Chandler, who was an ordained Elder of the African Methodist Episcopal Church and who was serving, at the time of his death, as chairman of the Urban Studies Department of Jefferson State Junior College, was a former president, on two occasions, of Daniel Payne College, his first tenure at the age of 24 as one of the youngest college presidents in the country; and

WHEREAS, the Bessemer, Alabama, native completed undergraduate studies at Wilberforce University, his theological studies at Payne Theological Seminary, and his Ph.D. degree was awarded by Columbia University's Teachers College; he first taught psychology at Talladega College, followed by a tenure as president of Daniel Payne, leaving in the early 1960's to join the faculty at Cheyney State University in Pennsylvania; and

WHEREAS, Dr. Chandler returned to the presidency of Daniel Payne College in 1968 for a period of one year before accepting the position he held at Jefferson State Junior College; and

WHEREAS, a former member of the University Year in Action at Birmingham-Southern College, he also served as a moderator for 10 years on the Commentary Forum of Radio WBUL, was a speaker and preacher in the Birmingham-Jefferson County Metroplex, and was chairman of the 10th anniversary observance of the Jefferson County Committee on Economic Opportunity in 1974, and in 1975 and 1976, of United Negro College Fund area campaigns; and

WHEREAS, the Reverend Chandler was active in numerous organizations such as the Clergy Who Cares, the National Conference of Christians and Jews, the Visiting Nurses Association and Planned Parenthood, and most particularly with organizations such as Camp Pauline Bray Fletcher and other youth oriented programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the tragic and untimely death of Dr. J. King Chandler, III, of Birmingham, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Doris Tolbert Chandler, to their son and daughter, Franklin and Yvonne Jeannette, and to other family members to whom a copy of this resolution shall be sent.

FURTHER CONSIDERATION OF H. B. 24

The Senate proceeded to further consideration of the Bill, H. B. 24, as amended.

Mr. Cook moved that further consideration of the Bill, H. B. 24, as amended, be postponed temporarily, which motion was lost.

## MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 106. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of County Line, in Blount County.

Also:

H. 110. Relating to Fayette County; setting fees for pistol permits; providing for disposition of the proceeds from such fees and specifically repealing Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), as amended by Act No. 734, H. 1283, Regular Session 1976 (Acts 1976, p. 1015), and all other laws in conflict herewith.

Also:

H. 111. To further regulate the sale of alcoholic beverages and the distribution of local municipal alcoholic beverage tax in Lauderdale County.

Also:

H. J. R. 47. COMMENDING JUDGE JOSEPH MONROE HOCKLANDER UPON HIS RETIREMENT AS PRESIDING JUDGE OF THE 13TH JUDICIAL CIRCUIT IN MOBILE, ALABAMA.

Also:

H. 108. Proposing an amendment to the Constitution of 1901, to repeal Amendment No. 132 of the Constitution of 1901, relating to altering or re-arranging or reducing or abolishing Macon County.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 31. Relating to DeKalb County, to provide for an advisory referendum to select one of two methods for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

And the Speaker of the House has appointed as a Committee on the part of the House Reps. Rains, Stout and Bowling.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTION

Messrs. deGraffenried, St. John, Goodwin, Robertson, Bailey, Barron, Britnell, Callahan, Cook, Denton, Figures, Glass, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. CONGRATULATING COACH PAUL BRYANT ON HIS 314TH CAREER VICTORY AND ON REACHING THE RECORD HELD BY AMOS ALONZO STAGG.

WHEREAS, now at the top of his profession, with Alabama's 31-16 defeat of Penn State University, Paul W. Bryant stands but one step short of coaching history, his 315th career victory which will break the record once held by Amos Alonzo Stagg and now shared with Coach Bryant; and

WHEREAS, victory number 315, this season, will give Coach Bryant the record in his 37th year as a head coach and in 20 years less time than the record attained by Coach Stagg; and

WHEREAS, while the first 91 of Coach Bryant's victories were compiled at Maryland, Kentucky and Texas A & M, 223 of his teams' wins were during his past 24 seasons as head coach back home again at Alabama where he played for the Crimson Tide in 1933, '34 and '35; and

WHEREAS, as Coach Paul W. Bryant stands tall at the top, he also stands just one victory shy of football history and a record destined to increase in number to unattainable heights; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend Alabama's beloved Coach Paul "Bear" Bryant and direct that he receive a copy of this resolution in token of our deep affection and esteem and in appreciation for the honor he brings to the entire State of Alabama.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 24

The Senate proceeded to further consideration of the Bill, H. B. 24, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 65. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Thursday, November 19, 1981, we adjourn to meet again on Monday, November 30, 1981.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

Mr. Teague offered the following substitute for the Resolution, H. J. R. 65, set out in the foregoing Message from the House, to-wit:

## SUBSTITUTE FOR H. J. R. 65

Be it resolved by the Senate, The House of Representatives That when we adjourn today, Thursday, November 19, 1981, we adjourn to meet again on Tuesday, November 24, 1981.

On motion of Mr. Hilliard, said substitute was laid on the table.

Mr. Teague then offered the following amendment to the Resolution, H. J. R. 65, to-wit:

## AMENDMENT TO H. J. R. 65

Amend H. J. R. 65 by deleting November 30 on the last line and substitute in lieu thereof the date November 25, 1981.

On motion of Mr. Keener, said amendment was laid on the table.

Mr. Gulledge offered the following amendment to the Resolution, H. J. R. 65, to-wit:

## AMENDMENT TO H. J. R. 65

Amend H. J. R. 65 Page 1 Line 4, by striking out the entire line and inserting "again on Tuesday, December 1, 1981."

On motion of Mr. Holmes, said amendment was laid on the table.

Yeas 19; Nays 6.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Robertson
Bailey	Goodwin	Keener	St. John
Barron	Hall	Little	Taylor
Callahan	Harrison	Martin	Teague
Cook	Higginbotham	Parsons	White

—19

*Nays:*

Messrs.:	Gulledge	Lemaster	Smith
Denton	Hilliard	Miller	

—6

Mr. deGraffenried offered the following amendment to the Resolution, H. J. R. 65, to-wit:

## AMENDMENT TO H. J. R. 65

Amend H. J. R. 65 Page 1 Line 4, by striking out the entire line and inserting "again on Monday, November 23, 1981."

On motion of Mr. Hilliard, said amendment was laid on the table.

Yeas 18; Nays 10.

*Yeas:*

Messrs.:	Keener	Parsons	Teague	
Denton	Kirkland	Robertson	Vacca	
Goodwin	Lemaster	St. John	Weeks	
Gulledge	McDonald	Smith	White	
Hilliard	Miller	Taylor		—18

*Nays:*

Messrs.:	Callahan	Hall	Little	
Bailey	Cook	Harrison	Martin	
Barron	deGraffenried	Holmes		—10

And on motion of Mr. McDonald, said Resolution, H. J. R. 65, was then concurred in and adopted by the Senate.

#### POINT OF PERSONAL PRIVILEGE

Mr. Robertson stated that, had there been a roll call vote on the above Resolution, H. J. R. 65, he and Messrs. Holmes and Little would have voted "Nay".

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 65. To make a supplemental appropriation from the Alabama special educational trust fund to the Alabama Department of Youth Services for the fiscal year ending September 30, 1982, for the purposes of subsidizing in part certain regional juvenile detention centers and other purposes; and to state legislative intent.

Also:

S. J. R. 32. EXPRESSING THE LEGISLATURE'S PRIDE IN THE SECOND SUCCESSFUL LAUNCH AND FLIGHT OF THE HISTORIC COLUMBIA SPACE SHUTTLE.

Also:

S. J. R. 35. URGING THE CREATION OF A CENTER FOR APPLIED EDUCATIONAL RESEARCH AND DEVELOPMENT.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 24

The Senate proceeded to further consideration of the Bill, H. B. 24, as amended.

And said Bill, H. B. 24, as amended, was read a third time at length and passed.

Yeas 23; Nays 3.

Abstaining 1.

*Yeas:*

Messrs.:	deGraffenried	Keener	Parsons
Bailey	Denton	Kirkland	Robertson
Barron	Hall	Lemaster	St. John
Britnell	Harrison	McDonald	Smith
Callahan	Hilliard	Miller	Taylor
Cook	Holmes	Mitchem	Vacca

—23

*Nays:* Messrs.: Goodwin, Martin and Teague.

—3

*Abstaining:* Mr. Higginbotham.

—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 73. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

said Conference Report being in words and figures as follows:

#### REPORT OF COMMITTEE OF CONFERENCE ON H. B. 73

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the H. B. 73 have met, considered the bill, and have agreed to the following report:

We recommend that the bill be substituted as follows and then passed by both houses:

Respectfully submitted,

GEORGE CLARK,

BILL DRINKARD,

RICHARD MANLEY,

Conferees on the part of the House.

MAC PARSONS,

HINTON MITCHEM,

LARRY KEENER,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 73

A BILL  
TO BE ENTITLED  
AN ACT

To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1 September 30, 1982, and to provide that the moneys so appropriated shall be certain moneys income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings and Declarations. The Legislature hereby finds and declares:

(a) that there is a critical shortage of funds available for the financing of mortgage loans secured by single and multi-family residential property located in the State;

(b) that the Legislature in Act No. 80-585 enacted at the 1980 Regular Session of the Legislature authorized the creation of the Alabama Housing Finance Authority and empowered said authority to issue its bonds for the purpose of making funds available in the State for mortgage loans secured by mortgages on single and multi-family residential property at interest rates sufficiently low to facilitate the financing of safe and sanitary housing units for citizens of this State with low or moderate incomes;

(c) that, under present federal law, the interest income on bonds issued by the Alabama Housing Finance Authority prior to January 1 September 30, 1982, in a principal amount not exceeding \$200,000,000 in the calendar year 1981 and \$200,000,000 in the calendar year 1982 shall be exempt from federal income taxation;

(d) that, because of changes in federal law enacted since the creation of the Alabama Housing Finance Authority, it will be necessary for the State to make available to said authority professional and other services and bond insurance in order to enable said authority to issue and sell its bonds;

(e) that the State received certain advance rentals after January 1, 1981, and before May 21, 1981, from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in certain areas of Mobile Bay and other offshore areas and that the moneys so received are presently held in the general fund of the State; and

(f) that a portion of the aforesaid advance rentals and the income from the investment thereof income from the investment of the said advance rentals should be expended by the State to enable the Alabama Housing Finance Authority to issue its bonds in a principal amount not exceeding \$200,000,000 prior to January 1, 1982 in the calendar year 1981 and \$200,000,000 in the calendar year 1982, and to otherwise perform the functions for which it was organized.

Section 2. Appropriation. The sum of six million five hundred thousand dollars (\$6,500,000), or so much thereof as may become available for the purposes described herein, is hereby appropriated from the general fund of the State (the moneys subject to such appropriation to be determined in accordance with the provisions of Section 3 of this Act) for the fiscal year of the State ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority to enable said authority to issue its bonds subsequent to the effective date of this Act and prior to January 1 September 30, 1982. The fees, expenses and other costs which may be paid with the moneys so appropriated shall include, but shall not be limited to, (i) fees charged by lending institutions and other financial institutions for services provided in connection with the financing of certain mortgages, including, but without limitation thereto, fees for placing, servicing and administering mortgages and trust funds, fees for acting as paying agent, and fees and charges for providing commitments to refinance mortgage loans initially financed with proceeds from the sale of bonds of the Alabama Housing Finance Authority, (ii) charges of rating agencies and printing expenses; (iii) underwriting, accounting, legal and administrative expenses; (iv) costs of insurance and performance bonds, (v) fees and charges for feasibility and mortgage market studies and (vi) other costs of issuance of bonds of the Alabama Housing Finance Authority and costs of other services provided by the State to said authority.

Section 3. Source of Appropriation. For the purpose of the appropriation made in this Act, the income from the investment and reinvestment of the advance rentals received by the State at any time after January 1, 1981, and before May 21, 1981, from the leasing of rights to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and the income from the investment and reinvestment of such moneys (including income from the investment and reinvestment of previously derived income) shall be considered as a separate fund within the general fund of the State. The moneys appropriated herein shall consist of moneys in the said separate fund, to the extent that such moneys are available for such appropriation. Subject to the provisions of Section 5 hereof, the moneys in the said separate fund which are herein appropriated shall be held apart from any permanent trust fund created by any constitutional amendment proposed at the session of the Legislature at which this Act is adopted and shall not be included with



the moneys transferred into such permanent trust fund Any provision of law requiring the transfer of the moneys in the said separate fund from the general fund of the State to a permanent trust fund to the contrary notwithstanding, the moneys in the said separate fund which are herein appropriated shall be held apart from such permanent trust fund and not included with the moneys transferred thereto. If for any reason moneys in the aforesaid separate fund are not available for the appropriation made in this Act, the moneys so appropriated shall come from the general fund of the State.

Section 4. Disbursement of Appropriated Moneys. The moneys herein appropriated shall be disbursed only upon the delivery to the State Comptroller of requisitions signed by the chairman of the board of directors of the Alabama Housing Finance Authority and the Governor having attached thereto a resolution of the Alabama Housing Finance Authority requesting such disbursement and setting forth the names of the directors of said Authority voting in favor of such request for disbursement. Each such requisition must state the fees, charges and other expenses to be paid pursuant thereto, the persons, firms and corporations to whom such fees, charges and other expenses are owed and the amount payable to each of such persons, firms and corporations. Upon the receipt of a requisition containing such information and signed as aforesaid, the State Comptroller shall draw warrants in such amounts and payable to such persons, firms and corporations as shall be necessary to provide for the payment of all the fees, charges and other expenses described in such requisition.

Section 5. Termination of Appropriation. If no bonds are issued by the Alabama Housing Finance Authority prior to January 1 September 30, 1982, or if, in the event that bonds of said authority are issued prior to said date, the Director of Finance of the State shall determine that, taking into account any moneys which may have been made available to said authority from another source, the disbursement use of all of the moneys appropriated herein is not required to enable said authority to issue such bonds, then, in either of such events, the appropriation made herein of moneys not needed for the issuance of such bonds shall terminate and such moneys shall remain in the general fund of the State; provided, however, that if any constitutional amendment proposed at the session of the Legislature at which this act is adopted provides for the creation of a permanent trust fund, and if such constitutional amendment provides for the transfer into such permanent trust fund of the money considered as a separate fund within the general fund of the State under the terms of Section 3 of this Act, then any moneys appropriated herein which have not been expended or encumbered prior to October 1, 1982 for the payment of expenses incurred by the Alabama Housing Finance Authority in the issuance of such bonds shall not be held apart from such permanent trust fund, but shall be transferred thereto on October 1, 1982. appropriations made herein shall terminate and any moneys subject to such appropriations which have not been disbursed prior to such termination shall remain in the general fund of the State. Any provisions of this Act to the contrary notwithstanding, in the event that the moneys considered as a separate fund within the general fund of the State under the terms of Section 3 of this Act shall be transferred by law to a permanent trust fund, then any moneys initially subject to the appropriation made herein which are not disbursed pursuant thereto as the result of the termination of such appropriation shall not be held apart from such permanent trust fund, but shall be included with the moneys transferred thereto.

Section 6. Severability. The provisions of this Act are severable. If any

part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. **Effective Date.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 73, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Robertson	White
Goodwin	Lemaster		

—25

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 37. MOURNING THE UNTIMELY DEATH OF ALAN MANLEY OF ALBANY, GEORGIA.

Also:

S. J. R. 38. MOURNING THE DEATH OF CARY CONDRAV.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 14. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

JOHN W. PEMBERTON,  
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 43. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Hall	Little	Smith
Bailey	Harrison	Martin	Taylor
Barron	Hilliard	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Cook	Keener	Parsons	Weeks
Denton	Kirkland	St. John	White
Goodwin	Lemaster		

—25

Nays:

—0

RESOLUTION

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. DESIGNATING THE GOVERNOR'S OIL LEASE REVENUE PACKAGE, HOUSE BILLS 71 THROUGH 79, THE "FOBONOMICS PROGRAM FOR ECONOMIC RECOVERY IN THE STATE OF ALABAMA".

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's oil lease revenue package, House Bills 71 through 79, in recognition of the unique fiscal expertise and innovation expressed therein, be named the "Fobonomics Program for Economic Recovery in the State of Alabama".

Which was read and referred to the Standing Committee on Rules.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 67. To permit the sale, conveyance, lease or other disposition of water systems (or portions thereof) of certain non-profit entities to certain public authorities or corporations without the necessity of any approval or consent of the Public Service Commission.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	St. John	
Callahan	Hall	Little	Teague	
Cook	Higginbotham	Martin	Weeks	
deGraffenried	Holmes	Miller	White	
Goodwin	Kirkland	Robertson		—18

Nays:

—0

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 56. CREATING AN INTERIM COMMITTEE ON NEW GUIDELINES OF THE FARMER'S HOME ADMINISTRATION.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 48. DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF REVENUE TO WITHDRAW THE NEW PROPERTY TAX REASSESSMENT PLAN RECENTLY PROMULGATED.

Also:

H. J. R. 64. CONGRATULATING THE HOMEWOOD HIGH SCHOOL BAND ON ITS SELECTION TO LEAD THE MACY'S THANKSGIVING DAY PARADE.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro-Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 61. EXTENDING CONGRATULATIONS AND BEST WISHES TO MS. ROBIN WOODARD AND MR. RALPH HOLMES.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Cook, consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 6

S. J. R. 7

S. J. R. 8

S. J. R. 11

S. J. R. 12

S. J. R. 15

S. J. R. 18

Delivered to the Governor, November 11, 1981, at 4:55 P.M.

S. J. R. 20

S. J. R. 21

S. J. R. 24

Delivered to the Governor, November 17, 1981, at 2:05 P.M.

S. B. 12

S. B. 29

S. B. 30

S. J. R. 22

Delivered to the Governor, November 18, 1981, at 1:50 P.M.

S. B. 51

Delivered to the Secretary of State, November 18, 1981, at 1:55 P.M.

S. B. 6

S. B. 8

S. B. 10

S. B. 11

S. B. 15

S. B. 18

S. B. 27

S. B. 47

S. B. 53

S. J. R. 25

S. J. R. 26

S. J. R. 29

S. J. R. 30

S. J. R. 34

Delivered to the Governor, November 19, 1981, at 11:05 A.M.

S. B. 65

S. J. R. 32

S. J. R. 35

Delivered to the Governor, November 19, 1981, at 12:05 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 12:45 P.M., on motion of Mr. Teague, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Monday, November 30, 1981, at 10 o'clock A.M.

## TENTH LEGISLATIVE DAY

MONDAY, NOVEMBER 30, 1981

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Bill Montgomery, Pastor, First Baptist Church, Enterprise, Alabama.

## ROLL CALL

Present:

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague
Cook	Hilliard	Miller	Vacca
Denton	Holmes	Mitchem	Weeks
Figures	Keener	Parsons	White
Goodwin	Kirkland	Robertson	

—30

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Messrs. Callahan, deGraffenried, Glass, Pearson, and Proctor for today.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 14. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Also:

S. 28. Relating to Etowah County; to provide for a uniform maintenance allowance and for hazardous pay for deputy sheriffs.

Also:

S. J. R. 33. MOURNING THE TRAGIC DEATH OF THE REVEREND J. KING CHANDLER, III, OF BIRMINGHAM, ALABAMA.

Also:

S. J. R. 37. MOURNING THE UNTIMELY DEATH OF ALAN MANLEY OF ALBANY, GEORGIA.

Also:

S. J. R. 38. MOURNING THE DEATH OF CARY CONDRAV.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 2. COMMITTEE APPOINTED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 3. COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO JOINT SESSION.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Frank McCorkle to the State Personnel Board.

On motion of Messrs. McDonald and Barron, the appointment of Mr. McCorkle was confirmed by the Senate.



Yeas 18; Nays 0.

Yeas:

Messrs.:	Higginbotham	McDonald	Teague	
Barron	Keener	Miller	Vacca	
Goodwin	Kirkland	Robertson	Weeks	
Gulledge	Little	St. John	White	
Hall	Martin	Taylor		—18

Nays: —0

### RECESS

At 10:25 P.M., on motion of Mr. McDonald, the Senate took a recess until 1 o'clock P.M. this afternoon.

The recess period having expired, the Senate was called to order by Lieutenant Governor McMillan. A quorum of the Senate was present.

### RESOLUTIONS

Mr. Gulledge offered the following Senate Resolution, to-wit:

S. R. 45. COMMENDING DEEDEE ANISE TOVERTSON, BALDWIN COUNTY'S JUNIOR MISS.

Which was adopted.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 46. MOURNING THE DEATH OF MRS. MARY HELEN WHATLEY TERRY OF GREENSBORO, ALABAMA.

Which was adopted.

Messrs. Keener (at the request of Mr. deGraffenried), St. John, Robertson, Bailey, Barron, Britnell, Callahan, Cook, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 47. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN COACH PAUL WILLIAM BRYANT.

WHEREAS, the Alabama Legislature today recognizes Coach Paul William Bryant as a giant among men, as America's most famous sports figure, and as Alabama's first citizen of all time; and

WHEREAS, the man and the hour met on November 28th when Coach Bryant recorded his 315th career victory to become the winningest college football coach in history, an event witnessed by more than 80,000 Legion Field spectators and by millions watching the nationally televised rival match between the Crimson Tide and the Auburn Tigers; and

WHEREAS, Coach Bryant began his march to the top in 1945 at the University of Maryland, piling up 91 victories as head coach at Maryland, the University of Kentucky and at Texas A & M before returning to his Alma Mater in 1958 where his record was truly built and made; and

WHEREAS, Paul Bryant's accomplishment as a coach have been duly recorded through the years and his victories, honors and championships are a

matter of record, known to the nation and the world; his private and personal pride, however, must most surely come from his success as a maker of men and of champions in all professions and all walks of life; and

WHEREAS, thus, today, the thousands of young athletes who have played for Coach Bryant, and his assistants through the years, now share the glory that is his; they have together accomplished what has never been done before and have given the world a record perhaps never to be broken; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in both humility and in exaltation, we congratulate Coach Paul W. Bryant of the University of Alabama and direct that he receive a copy of this resolution in small token of our gratitude and in recognition of his unique status in the world of sports.

On motion of Mr. Keener, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Weeks offered the following Senate Resolutions, to-wit:

S. R. 48. EXPRESSING APPRECIATION TO MR. CHARLES McCLENDON OF TROY, ALABAMA.

Also:

S. R. 49. MOURNING THE DEATH OF GEORGE STEVEN WATKINS.

Also:

S. R. 50. COMMENDING KELLI KEY OF TROY, ALABAMA, ON HER RECENT NOTABLE ACCOMPLISHMENT.

Which were adopted.

Messrs. Parsons, Hilliard, Cook, Hall, and Vacca offered the following Senate Resolution, to-wit:

S. R. 51. COMMENDING THE BIRMINGHAM BARONS BASEBALL TEAM.

Which was adopted.

COMMUNICATION FROM THE SUPREME COURT  
THE STATE OF ALABAMA—JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA

OCTOBER TERM, 1981-82

To the Honorable Members of  
the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

We are in receipt of Senate Resolution 13, received November 10, 1981. It requests our opinion as to questions posed regarding the constitutionality of Senate Bill 46, which is as follows:

"A BILL  
"TO BE ENTITLED  
"AN ACT

"To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to January 1, 1982, and to provide that the moneys so appropriated shall be certain moneys derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

"Be It Enacted by the Legislature of Alabama:

"Section 1. Legislative Findings and Declarations. The Legislature hereby finds and declares:

"(a) That there is a critical shortage of funds available for the financing of mortgage loans secured by single and multifamily residential property located in the State;

"(b) that the Legislature in Act No. 80-585 enacted at the 1980 Regular Session of the Legislature authorized the creation of the Alabama Housing Finance Authority and empowered said authority to issue its bonds for the purpose of making funds available in the State for mortgage loans secured by mortgages on single and multi-family residential property at interest rates sufficiently low to facilitate the financing of safe and sanitary housing units for citizens of this State with low or moderate incomes;

"(c) that, under present federal law, the interest income on bonds issued by the Alabama Housing Finance Authority prior to January 1, 1982, in a principal amount not exceeding \$200,000,000 shall be exempt from federal income taxation;

"(d) That, because of changes in federal law enacted since the creation of the Alabama Housing Finance Authority, it will be necessary for the State to make available to said authority professional and other services and bond insurance in order to enable said authority to issue and sell its bonds;

"(e) that the State received certain advance rentals after January 1, 1981, and before May 21, 1981, from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in certain areas of Mobile Bay and other offshore areas and that the moneys so received are presently held in the general fund of the State; and

"(f) that a portion of the aforesaid advance rentals and the income from the investment thereof should be expended by the State to enable the Alabama Housing Finance Authority to issue its bonds in a principal amount not exceeding \$200,000,000 prior to January 1, 1982, and to otherwise perform the functions for which it was organized.

"Section 2. Appropriation. The sum of six million five hundred thousand dollars (\$6,500,000), or so much thereof as may become available for the purposes described herein, is hereby appropriated from the general fund of the State (the moneys subject to such appropriation to be determined in accordance with the provisions of Section 3 of this Act) for the fiscal year of the State ending September 30, 1982, for the purpose of paying costs incurred

by the State in providing services to the Alabama Housing Finance Authority to enable said authority to issue its bonds subsequent to the effective date of this Act and prior to January 1, 1982. The fees, expenses and other costs which may be paid with the moneys so appropriated shall include, but shall not be limited to, (i) fees charged by lending institutions and other financial institutions for services provided in connection with the financing of certain mortgages, including, but without limitation thereto, fees for placing, servicing and administering mortgages and trust funds, fees for acting as paying agent, and fees and charges for providing commitments to refinance mortgage loans initially financed with proceeds from the sale of bonds of the Alabama Housing Finance Authority, (ii) charges of rating agencies and printing expenses, (iii) underwriting, accounting, legal and administrative expenses, (iv) costs of insurance and performance bonds, (v) fees and charges for feasibility and mortgage market studies and (vi) other costs of issuance of bonds of the Alabama Housing Finance Authority and costs of other services provided by the State to said authority.

"Section 3. Source of Appropriation. For the purpose of the appropriation made in this Act, the advance rentals received by the State at any time after January 1, 1981, and before May 21, 1981, from the leasing of rights to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and the income from the investment and reinvestment of such moneys (including income from the investment and reinvestment of previously derived income) shall be considered as a separate fund within the general fund of the State. The moneys appropriated herein shall consist of moneys in the said separate fund, to the extent that such moneys are available for such appropriation. Any provision of law requiring the transfer of the moneys in the said separate fund from the general fund of the State to a permanent trust fund to the contrary notwithstanding, the moneys in the said separate fund which are herein appropriated shall be held apart from such permanent trust fund and not included with the moneys transferred thereto. If for any reason moneys in the aforesaid separate fund are not available for the appropriation made in this Act, the moneys so appropriated shall come from the general fund of the State.

"Section 4. Disbursement of Appropriated Moneys. The moneys herein appropriated shall be disbursed only upon the delivery to the State Comptroller of requisitions signed by the chairman of the board of directors of the Alabama Housing Finance Authority and the Governor. Each such requisition must state the fees, charges and other expenses to be paid pursuant thereto, the persons, firms and corporations to whom such fees, charges and other expenses are owed and the amount payable to each of such persons, firms and corporations. Upon the receipt of a requisition containing such information and signed as aforesaid, the State Comptroller shall draw warrants in such amounts and payable to such persons, firms and corporations as shall be necessary to provide for the payment of all the fees, charges and other expenses described in such requisition.

"Section 5. Termination of Appropriation. If no bonds are issued by the Alabama Housing Finance Authority prior to January 1, 1982, or if, in the event that bonds of said authority are issued prior to said date, the Director of Finance of the State shall determine that, taking into account any moneys which may have been made available to said authority from another source, the disbursement of all of the moneys appropriated herein is not required to enable said authority to issue such bonds, then, in either of such events, the appropriations made herein shall terminate and any moneys subject to such

appropriations which have not been disbursed prior to such termination shall remain in the general fund of the State. Any provision of this Act to the contrary notwithstanding, in the event that the moneys considered as a separate fund within the general fund of the State under the terms of Section 3 of this Act shall be transferred by law to be permanent trust fund, then any moneys initially subject to the appropriation made herein which are not disbursed pursuant thereto as the result of the termination of such appropriation shall not be held apart from such permanent trust fund, but shall be included with the moneys transferred thereto.

"Section 6. Severability. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 7. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

The first questions posed are:

"(1) Whether the appropriation of the funds by, and the use thereof for the purposes set forth, in Senate Bill No. 46 are invalid under Section 93 of the Constitution of Alabama of 1901, as amended, as authorizing the State (i) to engage in works of internal improvement or to lend money or its credit in aid of such, or (ii) to be interested in any private or corporate enterprise, or (iii) to lend money or its credit to any individual, association or corporation?"

We answer each of these questions in the negative. In *Edmonson v. State Industrial Development Authority*, 279 Ala. 206, 184 So. 2d 115 (1966), this Court held, speaking through Justice Merrill, that there are five principle prohibitions in Section 93:

"The State is forbidden (1) to engage in works of internal improvement, (2) to lend money in aid of such, (3) to lend its credit in aid of such, (4) to be interested in any private or corporate enterprise, and (5) to lend money or its credit to any individual, association, or corporation."

279 Ala. at 209.

Nothing in Senate Bill 46 violates any of these prohibitions. It does not authorize the State to engage in works of internal improvement, or to lend its money in aid of such, or to lend its credit in aid of such. The fourth prohibition, to be interested in any private or corporate enterprise, has been construed to mean that the State may not engage, alone or in concert with others, in business of a type generally characterized as private enterprise. *State ex rel. Wilkinson v. Murphy*, 237 Ala. 332, 186 So. 487 (1939). Senate Bill 46 does not authorize the State to engage in any private enterprise. It simply appropriates moneys derived from leases authorizing oil and gas exploration for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority, a public corporation. In several cases, this Court has held that Section 93 does not relate to lending either money or credit to a public corporation. *Edmonson*, *supra*, which relied upon *Rogers v. City of Mobile*, 277 Ala. 261, 169 So. 2d 282; *State ex rel. Austin v. City of Mobile*, 248 Ala. 467, 28 So. 2d 177; *Alabama State Bridge Corp. v. Smith*, 217 Ala. 311, 116 So. 695.

We conclude that Senate Bill 46 does not violate Section 93 of the Constitution.

The next and final question posed is as follows:

"(2) Will the appropriation of the said funds by, and the use thereof for the purposes stated in, the said Senate Bill No. 46 result in bonds issued by the said Authority with respect to which the appropriation contained in Senate Bill 46 is made being deemed an indebtedness of the State under Section 213 of the Constitution of Alabama of 1901, as amended?"

We answer this question in the negative.

Again, we conclude that *Edmonson v. State Industrial Development Authority*, *supra*, is dispositive of this question. There we held that:

"Bonds issued by a public corporation that is a separate entity from the State will not constitute a new debt of the State within the meaning of Section 213, as amended. We have specifically said that bonds issued by public corporations of the State do not fall within the prohibition of that section of the Constitution. Opinion of the Justices, 264 Ala. 176, 85 So. 2d 391; In re Opinion of the Justices, 256 Ala. 170, 54 So. 2d 68. And we have held that the bonds of a public corporation do not constitute a debt of the State. *Rogers v. Garlington*, 234 Ala. 13, 173 So. 372; *Scott v. Alabama State Bridge Corp.*, 233 Ala. 12, 169 So. 273; *Alabama State Bridge Corp. v. Smith*, 217 Ala. 311, 116 So. 695. To the same effect are our opinions in Opinion of the Justices, 263 Ala. 174, 81 So. 2d 699; Opinion of the Justices, 254 Ala. 506, 49 So. 2d 175; In re Opinion of the Justices, 225 Ala. 460, 143 So. 900."

279 Ala. at 210-211.

Respectfully submitted,  
HUGH MADDOX,  
JAMES H. FAULKNER,  
RICHARD L. JONES,  
JANIE L. SHORES,  
OSCAR W. ADAMS, JR.,  
Associate Justices.

It is our considered opinion that the provisions of Senate Bill 46 violate § 93 of the Constitution of 1901, as amended. Therefore, we must respectfully disagree with the five justices who opine to the contrary. Section 93 of Article IV, of the Constitution of 1901, as last amended by Amendment No. 58, provides in pertinent part as follows:

The state shall not engage in works of internal improvement, nor lend money or its credit in aid as such, except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individual, association or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto.

Senate Bill 46 appropriates money directly from the general fund to pay certain operational costs and expenses of the Alabama Housing Finance Authority. The Authority is given broad powers to effectuate its purposes, some of which are set out as follows:

(7) To purchase mortgage loans from mortgage lenders:

(8) To contract with mortgage lenders for the origination of, or the servicing, of mortgage loans to be made by such mortgage lenders and the servicing of the mortgages securing such mortgage loans;

(9) To make loans to mortgage lenders, provided that (i) the proceeds of such loans shall be required to be used by such mortgage lenders for the making of mortgage loans, and (ii) the mortgages in connection with the mortgage loans so made, together with any additional security required by the authority, shall be mortgaged, pledged, assigned or otherwise provided as security for such loans to mortgage lenders;

(10) To exercise any and all rights accorded to the owner and holder of a mortgage under and in accordance with the terms of said instruments and the applicable laws of the state with respect to the mortgaged property, directly or through mortgage lenders or others acting on behalf of the authority or on behalf of the holder of its bonds, including, but without limitation, the power to foreclose, to sell the equity of redemption, to purchase the equity of redemption and otherwise sell and dispose of the mortgaged property, all as shall seem in the best interests of the authority and the holders of its bonds;

(11) To sell and issue bonds in order to provide funds for any corporate function, use or purpose . . . .

Code 1975, § 24-1A-5 (Act 80-585, approved May 28, 1980).

There are five principal prohibitions in § 93. The State is forbidden: (1) to engage in works of internal improvement, (2) to lend money in aid of internal improvement, (3) to lend its credit in aid of internal improvement, (4) to be interested in any private or corporate enterprise; and (5) to lend money or its credit to any individual, association, or corporation. *Edmonson v. State Industrial Development Authority*, 279 Ala. 206, 184 So. 2d 115 (1966). In *Edmonson*, the Court stated that the prohibition contained in § 93 that the State cannot be interested in any private or corporate enterprise has been construed to mean that the State may not engage, alone or in concert with others, in business of a type generally characterized as private enterprise. Although *Edmonson* involved the creation of the State Industrial Authority and the source of funds to pay off the bonds issued by the Authority, the Court held: "No part of the taxes presently paid into the general fund of the State can be used to service the bonds authorized to be issued by the Authority" (emphasis added).

Section 2 of Senate Bill 46 specifically provides for an appropriation from the general fund of the state to aid the Housing Finance Authority in the issuance of bonds. Even though the oil lease money is intended to be kept separate from the general fund, it is still general fund money. This bill further provides that should the money from the oil leases that is in the general fund, not be sufficient or available for this appropriation, then additional general fund money can be used without limitation.

It takes no citation of authority to reach the conclusion that engaging in the money lending business and taking a mortgage as security, is clearly private enterprise. As such, it has not been a function of our state government since 1901. Indeed, it was the unfortunate experience of our state when it was engaged in the business of banking that prompted the inclusion of § 93 into our Constitution of 1901.

*State v. Murphy*, 237 Ala. 332, 186 So. 487 (1939), best states our view as follows:

Defendant further argues that the words, "nor shall the state be interested in any private \* \* \* enterprise," mean merely that the State shall not be interested with individuals, associations or corporations in the operation of a private or corporate enterprise, and was not intended to prevent the State itself from engaging in a private enterprise.

But we think this too narrow a construction of the Constitution, and clearly out of harmony with the motivating cause of the inclusion of this prohibition in our organic law. The interest referred to is a pecuniary interest in any private or corporate enterprise, and this prohibition was, we think inserted in our organic law as a limitation upon the power of the legislature to again place our State in business enterprises and in competition with private individuals or corporations; or to undertake those things which ordinarily might, in human experience, be expected to be undertaken for profit or benefit to private promoters.

237 Ala. at 335.

Attorneys representing the Alabama Housing Finance Authority have filed an *amicus curiae* brief, and at the request of the Court, the Attorney General also filed a brief. Both briefs support the position of the five justices who are of the opinion that the pertinent provisions of Senate Bill 46 violate neither § 93 of the Constitution, as amended, nor § 213 of the Constitution. As to § 93, both briefs and the five justices place great weight upon the proposition that since the Alabama Housing Finance Authority is a separate public corporation the limitations and restrictions of § 93 do not apply; that is, a separate public corporation is not the state. While we recognize statements to this effect in our cases and in some previous Opinions of the Justices, this proposition of law is of great concern to us and simply cannot be a controlling principal of Alabama constitutional law.

For this proposition to stand unchallenged, there remains no constitutional limitation upon our lawmakers to establish separate "public corporations" to engage in any private enterprise or business (e.g., banking, farming, manufacturing, or merchandising) and then appropriate public funds to pay the operational expenses therefor—all in direct competition with individual or private corporate organizations engaged in such business activities. While we may have permitted the state to engage in and regulate the sale and distribution of alcoholic beverages under its police power, *State v. Murphy*, 237 Ala. 332; and finance the preparation of industrial sites for industry by grants to locate public authorities, *Edmonson v. State Industrial Development Authority*, 279 Ala. 206; this Court should never give its approval (absent constitutional authorization<sup>1</sup>) to finance from public funds the operational expenses of lenders of money. While it may be popular and good at the present time to come to the aid of our ailing housing industry and supporting lending institutions, the opinion of the majority of this Court today nevertheless sets a precedent which would permit future legislatures to obligate our taxpayers to compete with any private enterprise when economic conditions are unfavorable.

As was stated by the Kansas Supreme Court in *State v. Kelly*, 71 Kan. 811, 81 P. 450 (1905) and adopted by this Court in Opinion of the Justices, No. 52, 237 Ala. 429, 187 So. 244 (1939):

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<sup>1</sup>Both the *amicus curiae* and the Attorney General inform us in brief that there is also pending before the legislature Senate Bill 41 which proposes a constitutional amendment to authorize the appropriation of public funds for the purposes enumerated in Senate Bill 46. Obviously, some members of the legislature or others were of the opinion that formal constitutional sanction was necessary to authorize the proposed expenditure of these public funds. To like affect, it is significant to observe the various amendments to § 93 authorizing the construction and developments of public roads, bridges and highways, harbors and seaports, and public airports. See Amendments No. 1 and 12 to said § 93.



It has been the policy of our government to exalt the individual rather than the state. \* \* \* Our Constitution was framed and our laws enacted with the idea of protecting, encouraging, and developing individual enterprise.

Respectfully submitted,

C. C. TORBERT, JR.,  
Chief Justice.

RENEAU P. ALMON,  
Associate Justice.

Which was read and ordered spread upon the Journal.

### BILLS ON THIRD READING

The Bill:

H. 13. To increase from fifty dollars per month to one hundred dollars per month the expense allowance received by certain Jefferson County officials in lieu of being provided an automobile by the County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Smith
Bailey	Hall	Martin	Taylor
Barron	Harrison	McDonald	Teague
Britnell	Hilliard	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White
Figures	Kirkland		

—25

Nays:

—0

### RESOLUTIONS

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 52. MOURNING THE RECENT DEATH OF MRS. EMILY WALLACE FINLAY OF BREWTON, ALABAMA.

Which was adopted.

Messrs. Martin, Gullede, Weeks, and Denton offered the following Senate Resolution, to-wit:

S. R. 53. MOURNING THE DEATH OF MISS THELMA CONNOR, FORMER ZIEGFELD FOLLIES STAR.

Which was adopted.

Mr. Lemaster offered the following Senate Resolutions, to-wit:

S. R. 54. COMMENDING MR. CLIFF MANN FOR OUTSTANDING ACHIEVEMENTS.

Also:

S. R. 55. COMMENDING MR. ALAN MANN FOR HIS OUTSTANDING ACHIEVEMENTS.

Which were adopted.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 38. Relating to Coffee County; providing for a referendum election to submit to the qualified electors of Coffee County the question whether the Coffee County Commission shall be authorized to levy and impose a county sales tax and a county use tax; providing for the authority of the Coffee County Commission to levy such taxes generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, respectively; providing certain additional exemptions from such taxes; specifying the rates at which those taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the proceeds of those taxes if levied by the Coffee County Commission, and for the enforcement of this Act by the State Department of Revenue; providing for the termination of the taxes authorized to be levied hereunder; and prescribing penalties and fixing punishment for violations of this Act.

was taken up.

Mr. Weeks offered the following amendment to the Bill, H. B. 38, to-wit:

#### AMENDMENT TO H. B. 38

Amend Section 3, Page 5, Line 2 by inserting after the word "pesticides" the following words:

"for agricultural purposes"

Amend Section 9, Page 10, Line 34 by deleting the following language:

"shall state separately in the said certificate the amount of the proceeds so collected from the sales taxes authorized to be levied herein and the amount of the proceeds so collected from the use taxes authorized to be levied herein;"

Amend Section 11, Page 12, Line 23 as follows:

Delete the words "fifteen (15)" and insert in that place the words "thirty (30)"

Amend H. B. 38 at page 4, line 10 by deleting "35%" and substituting in lieu thereof, "a percentage"

and further at page 4, line 11, by deleting the word "shall" and substituting therefore the word "may"

and at page 4, line 12 by adding after the word "County" the following:

"such percentage, if any, to be determined by resolution of the Coffee County Commission adopted at the time of the levying of said taxes and as may be changed by resolution from time to time thereafter"

and at page 4, line 13, by deleting the words "remaining 65%" and substituting in lieu thereof the word "remainder"

and on page 11, line 16, by deleting the words "Thirty-five percent (35%)" and substituting in lieu thereof the following:

"A percentage, such percentage, if any, to be determined by resolution of the Commission adopted at the time of the levying of the taxes authorized to be levied in Section 3 of this Act, and as may be changed by resolution from time to time thereafter"

and at page 11, line 16, by deleting the word "shall" and substituting in lieu thereof the word "may"

and at page 11, line 23, by removing the words "remaining sixty-five percent (65%)" and substituting in lieu thereof the word "remainder"

Amend H. B. 38 at page 1, line 12 by inserting after the word "election" the words "or elections"

and at page 4, line 30 by inserting at the end of that paragraph the following:

"If a majority of the votes cast at the referendum election is negative, the Commission may call a second referendum election to be held in the same manner and using the same ballot as the first, said second election to be held not later than one year from the date of the first referendum election."

and at page 4, line 32 by inserting before the words "referendum election" the word "second"

and at page 4, line 34 by inserting before the word "referendum" the words "first or second"

Amend H. B. 38 at page 2, line 18 by changing the period after the word "necessary" to a comma and inserting after the comma the following:

"or, in the event a constitutional amendment is adopted providing for a single county seat or a centrally-located judicial facility (including a jail) or jail to serve the Elba and Enterprise judicial districts in the County or an election is held in which a majority of all the votes cast therein favor removal of the county seat to a single location, such construction and equipment of a new courthouse and jail in the location in the County provided for by law."

and at page 4, line 24 by inserting after the word "Elba" the following:

", or, in the event a constitutional amendment is adopted providing for a single county seat or a centrally-located judicial facility (including a jail) or jail to serve the Elba and Enterprise judicial districts in the County or an election is held in which a majority of all the votes cast therein favor removal of the county seat to a single location, constructing and equipping a new courthouse and jail in the location in the County provided for by law"

and at page 13, line 25 by inserting after the word "Elba" the following:

", or, in the event a constitutional amendment is adopted designating a single county seat in the County or providing for a centrally-located judicial facility (including a jail) or jail to serve the Elba and Enterprise judicial districts or an election is held in which a majority of all the votes cast therein favor removal of the county seat to a single location, a new courthouse and jail in the location in the County provided for by law,"

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Parsons	
Bailey	Gulledge	Kirkland	St. John	
Barron	Hall	Lemaster	Smith	
Britnell	Harrison	Little	Taylor	
Cook	Higginbotham	Martin	Teague	
Denton	Hilliard	Miller	Weeks	
Figures	Holmes			—25

*Nays:* —0

And said Bill, H. B. 38, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Parsons	
Bailey	Gulledge	Kirkland	St. John	
Barron	Hall	Lemaster	Smith	
Britnell	Harrison	Little	Taylor	
Cook	Higginbotham	Martin	Teague	
Denton	Hilliard	Miller	Weeks	
Figures	Holmes			—25

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate.

S. J. R. 17. AMENDING S. J. R. 19, ACT NO. 81-954, 1981 FIRST SPECIAL SESSION, RELATING TO INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, S. J. R. 17, the title of which is set out in the foregoing Message from the House, and the following House amendment:

#### AMENDMENT TO S. J. R. 17

Amend Substitute S. J. R. 17 by adding on page 2, line twelve (12) after the period, "No member shall be reimbursed for out-of-state travel or expenses."

HOUSE SUBSTITUTE FOR S. J. R. 17

S. J. R. 17. AMENDING S. J. R. 19, ACT NO. 81-954, 1981 FIRST SPECIAL SESSION, RELATING TO INTERIM LEGISLATIVE COMMITTEE TO STUDY FEDERAL BLOCK GRANTS, SO AS TO PROVIDE FUNDS FOR ADVERTISING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. J. R. 19, Act No. 81-954, 1981 First Special Session, is hereby amended to read as follows:

"That there is hereby created a joint interim committee to be composed of members of the Senate Finance and Taxation Committee, members of the House Ways and Means Committee and two members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets concerning the acquisition, maintenance and allocation of Federal Block Grants except those relating to health and welfare.

"Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the Legislature not later than the fifth legislative day of the 1982 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$15,000; provided, however, the committee is authorized to expend an additional amount up to \$15,000 for advertising."

was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 71. To implement the provisions of an amendment to the Constitution of Alabama of 1901 authorizing the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvements consisting of (i) public roads, streets, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways,

(vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; to pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on said bonds; to create a bond commission with authority to determine the details of said bonds and to sell and issue the same; to provide for the terms, execution and issuance of said bonds; to provide for the investment and reinvestment of the proceeds of such bonds pending the disbursement thereof; to allocate the proceeds of said bonds, together with the investment income derived from said proceeds, to the purposes for which they are to be expended; to authorize the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to this Act; and to exempt from taxation in the State the interest on all bonds issued pursuant to this Act and the income therefrom.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 72. To propose a self-executing amendment to the Constitution of Alabama of 1901 which will create a permanent trust fund for the benefit of the State and the citizens thereof, provide for the funding of such trust fund with certain moneys derived by the State from the leasing of its rights in offshore oil, gas and other hydrocarbon minerals, create a board of trustees to manage such trust fund and prescribe the powers thereof, provide for the investment of moneys, held in such trust fund, provide for the appropriation by the Legislature of the income from such trust fund, limit the liability of individual members of the board of trustees of such trust fund, and establish a legislative oversight commission.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 74. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

Also:

H. 76. To appropriate ten million dollars (\$10,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in offshore oil, gas and other hydrocarbon minerals for the support and encouragement of educational, agricultural, maricultural and industrial activities involving basic and applied scientific research and development.

Also:

H. 78. To appropriate six million dollars (\$6,000,000) from income from the investment of certain moneys derived by the State from the leasing of rights in off-shore oil, gas and other hydrocarbon minerals for the reimbursement of the counties of the State for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the State.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 75. To propose an amendment to the Constitution of Alabama of 1901 that will authorize the State of Alabama to become indebted and to sell and issue its interest bearing general obligation bonds, in addition to all other bonds of the State, in an aggregate principal amount not exceeding \$520,000,000 for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of (i) public roads, streets, highways and bridges, (ii) buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education, (iii) state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities, (iv) mental hospitals and other mental health facilities, (v) the improvement of navigation in Mobile Harbor and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways, (vi) the renovation and restoration of buildings in the main governmental complex of the State, including the State Capitol Building and the present headquarters office building of the State Highway Department; (vii) the construction and equipment of a new headquarters office building for the State Highway Department, (viii) facilities for the Alabama Department of Youth Services, (ix) the renovation and restoration of the State Coliseum, (x) public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, planting of shells to be used as culch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and (xi) equipment for the Alabama Educational Television Commission; that will authorize the refunding of said bonds through the sale and issuance of refunding bonds; that will pledge the full faith and credit of the State for payment of the principal of and interest and premium (if any) on all bonds issued pursuant to said amendment; and that will provide certain terms and conditions with respect to the sale and issuance of bonds issued pursuant to said amendment.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 73. To appropriate six million five hundred thousand dollars (\$6,500,000) from the general fund of the State, for the fiscal year ending



September 30, 1982, for the purpose of paying costs incurred by the State in providing services to the Alabama Housing Finance Authority in connection with the issuance of bonds by said authority prior to September 30, 1982, and to provide that the moneys so appropriated shall be income from the investment of certain advance rentals derived by the State from the leasing of rights to explore and drill for or to produce oil, gas and other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 43. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

Also:

H. 67. To permit the sale, conveyance, lease or other disposition of water systems (or portions thereof) of certain non-profit entities to certain public authorities or corporations without the necessity of any approval or consent of the Public Service Commission.

Also:

H. J. R. 2. Relative to appointing a committee to notify the Governor that the Legislature is in session.

Also:

H. J. R. 3. Relative to a joint session of the legislature on Tuesday, November 3, 1981, for the purpose of hearing the message of the Governor and also appointing a committee to escort the Governor to the House for the joint session.

Also:

H. J. R. 56. CREATING AN INTERIM COMMITTEE ON NEW GUIDELINES OF THE FARMER'S HOME ADMINISTRATION.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Manley:

H. J. R. 70. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn today, Monday, November 30, 1981, we adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 70, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Dial:

H. J. R. 74. COMMENDING THE RANBURNES HIGH SCHOOL BULLDOGS FOR AN OUTSTANDING 1981 FOOTBALL SEASON.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 74, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 48. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 75. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN PROPOSED CONSTITUTIONAL AMENDMENTS; PROVIDING FOR CERTAIN EXCEPTIONS; AND REPEALING ACT NO. 81-673, H. J. R. 377 OF THE 1981 REGULAR SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an election upon the Constitutional Amendments proposed by the 1981 Regular Session and First and Second and Third Special Sessions of the Legislature be held on the first Tuesday after the expiration of ninety (90) days following adjournment of the 1981 Third Special Session, on March 2, 1982; provided, however, the Constitutional Amendment proposed by Act No. 81-889, S. 32, 1981 First Special Session shall be placed on the September 1982 primary or the November 1982 general election ballot.

BE IT FURTHER RESOLVED, That Act No. 81-673, H. J. R. 377 of the 1981 Regular Session, designating November 2, 1982, for elections on proposed constitutional amendments, is hereby specifically repealed and rescinded.

RESOLVED FURTHER, That copies of this resolution shall be sent forthwith by the Clerk of the House to the Governor and the Secretary of State.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 75, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 24. To prescribe that no more than one commercial hazardous waste treatment facility or disposal site shall be situated in any one county and to require legislative approval for any such commercial hazardous waste treatment facility or disposal site.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTION

Mr. Cook offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. COMMENDING ROCKY RIDGE ELEMENTARY SCHOOL ON ITS DESIGNATION AS A PHYSICAL FITNESS DEMONSTRATION CENTER.

WHEREAS, it is with warm praise and congratulations that the Alabama Legislature notes the selection and designation of the Rocky Ridge Elementary School in Jefferson County as a Physical Fitness Demonstration Center; and

WHEREAS, the Rocky Ridge School was so recognized by the State Department of Education and by the President's Council on Physical Fitness and Sports for its outstanding program of physical education and for the school's highest degree of contributions to physical fitness; and

WHEREAS, during dedication ceremonies on November 23, 1981, the school's official dedication was acknowledged and accepted, first by Mrs. Pat Floyd, Director of Physical Education at Rocky Ridge School, and by Mrs. Anne R. Jordan, principal; and

WHEREAS, the Rocky Ridge Elementary School is indeed to be commended for its many accomplishments in the area of physical fitness and most particularly the development of a program so outstanding as to warrant the designation it has recently achieved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly praise and congratulate the Rocky Ridge Elementary School in Jefferson County and direct that a copy of this resolution be sent to Mrs. Pat Floyd, as well as to Principal Anne Jordan for appropriate school display.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 20. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 74. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made

in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a message from the Governor concerning House Bill No. 74, which is being returned without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 30th day of November, 1981.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you House Bill No. 74 without my signature and approval and with the suggested Executive Amendment set forth below. House Bill No. 74 concerns the appropriations made for the use of the Board of Corrections and the Department of Mental Health in Act No. 81-764 and Act No. 81-770, respectively, enacted at the 1981 Regular Session of the Legislature. Both of these acts appropriate income to be derived from the investment of advance rentals received by the State of Alabama from the leasing of rights to offshore oil and gas, and the purpose of House Bill No. 74 is to assure continued funding for the appropriations made in Act No. 81-764 and Act No. 81-770 in the event that the said oil and gas rentals, which constitute the source of income for such appropriations, are transferred to a permanent trust fund to be created by a proposed constitutional amendment. The purpose of the suggested Executive Amendment set forth below is to clarify the provisions of House Bill No. 74 and to assure that nothing contained therein or in Act No. 81-764 or Act No. 81-770 shall be construed to constitute an appropriation of any moneys other than the income derived from the investment of the aforesaid oil and gas rentals.

My suggested Executive Amendment to House Bill No. 74 is as follows:

Amend the bill in Section 1 thereof by deleting the definition "Oil and Gas Rentals" means "Oil and Gas Rentals" as defined and used in the Bond Implementing Act and by substituting in lieu thereof the new definition:

"Oil and Gas Rentals" means the advance rentals received by the State at any time after January 1, 1981, and before May 21, 1981, from the leasing of rights to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area.

Further amend the bill in the first sentence of Section 3 thereof by deleting, after the second comma, the language "Act No. 81-764 and Act No. 81-770 shall remain in full force and effect in all respects," and by substituting in lieu thereof the language "the appropriations of income derived from the investment of Oil and Gas Rentals that were made for the use of the Board of Corrections and the Department of Mental Health in Act No. 81-764 and Act No. 81-770, respectively, shall continue in full force and effect, but nothing contained in this Act or in Act No. 81-764 or Act No. 81-770 shall be construed as an appropriation of any of the principal of the Oil and Gas Rentals;"

Further amend the bill in paragraph (a) of Section 4 thereof by deleting the language "the aggregate amount of Oil and Gas Rentals and income from the investment thereof" which follows (i) in said paragraph (a) and by substituting therefor "the aggregate amount of income from the investment of Oil and Gas Rentals".

Further amend the bill in paragraph (a) of Section 4 thereof by changing the period at the end of the last sentence of said paragraph (a) to a comma, and by adding thereafter the language "but such appropriation shall in any event be payable from Trust Capital only to the extent of any accumulated income from the investment of Oil and Gas Rentals which at the time constitutes part of the Trust Capital."

Further amend the bill in paragraph (b) of Section 4 thereof by deleting the language "the aggregate amount of Oil and Gas Rentals and income from the investment thereof" which follows (i) in said paragraph (b) and by substituting therefor "the aggregate amount of income from the investment of Oil and Gas Rentals".

Further amend the bill in paragraph (a) of Section 5 thereof by deleting the language "the aggregate amount of Oil and Gas Rentals and income from the investment thereof" which follows (i) in said paragraph (a) and by substituting therefor "the aggregate amount of income from the investment of Oil and Gas Rentals".

Further amend the bill in paragraph (a) of Section 5 thereof by changing the period at the end of the last sentence of said paragraph (a) to a comma, and by adding thereafter the language "but such appropriation shall in any event be payable from Trust Capital only to the extent of any accumulated income from the investment of Oil and Gas Rentals which at the time constitutes part of the Trust Capital."

Further amend the bill in paragraph (b) of Section 5 thereof by deleting the language "the aggregate amount of Oil and Gas Rentals and income from the investment thereof" which follows (i) in said paragraph (b) and by substituting therefor "the aggregate amount of income from the investment of Oil and Gas Rentals".

The Adoption of the foregoing suggested Executive Amendment to House Bill No. 74 will remove my objections thereto.

Respectfully submitted,

FOB JAMES,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 76, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 77, Nays 2.

And said Bill, H. 74, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 74, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Taylor
Barron	Higginbotham	Martin	Teague
Britnell	Holmes	McDonald	Vacca
Denton	Keener	Miller	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge	Lemaster		

—21

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 74, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Smith
Bailey	Harrison	Little	Taylor
Barron	Higginbotham	Martin	Teague
Britnell	Holmes	McDonald	Vacca
Denton	Keener	Miller	Weeks
Goodwin	Kirkland	Parsons	White
Gulledge			

—24

*Nays:* —0

which was a majority of the whole number elected to the Senate.

## RESOLUTION

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 57. WISHING FOND FAREWELL TO SCOTT SHEPARD.

Which was adopted.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 79. To amend Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Authority shall not issue any bonds, other than refunding bonds, subsequent to March 31, 1982, to extend said date until December 31, 1983.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a message from the Governor concerning House Bill No. 79, which is being returned without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

WILLIAM JAMES SAMFORD, JR.,  
Legal Advisor.

Done this 30th day of November, 1981.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you House Bill No. 79 without my signature and approval and with the suggested Executive Amendment set forth below. The purpose of the Executive Amendment is to correct a technical error relating to the citation to the Code of Alabama 1975 contained in said bill.

Amend House Bill No. 79 by deleting the entirety of Section 1 thereof and inserting in lieu thereof the following new Section 1:

Section 1. § 24-1A-9 of the Code of Alabama 1975 is hereby amended to read as follows: "Notwithstanding any other provision of this chapter to the contrary, the authority shall not issue any bonds, other than refunding bonds, subsequent to December 31, 1983."



The Adoption of the foregoing Executive Amendment to House Bill No. 79 will remove my objections thereto.

Respectfully submitted,

FOB JAMES,  
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 77, Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 78, Nays 1.

And said Bill, H. 79, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Teague, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 79, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Smith
Barron	Higginbotham	Martin	Taylor
Britnell	Holmes	McDonald	Teague
Cook	Keener	Miller	Vacca
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Lemaster	Robertson	White
Hall			

—24

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 79, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Harrison	Martin	Smith
Bailey	Higginbotham	McDonald	Taylor
Barron	Holmes	Miller	Teague
Brinell	Keener	Mitchem	Vacca
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Lemaster	Robertson	White
Hall	Little		

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 25. Relating to the eradication of brucellosis in livestock: To make an appropriation to the Department of Agriculture and Industries for the fiscal year 1981-1982 from the general fund into the agricultural fund; to indemnify owners of livestock for the value of any livestock ordered condemned and destroyed for the prevention of brucellosis in livestock.

Also:

S. 61. To provide for executing "self proving" wills by the testator and affidavits of witnesses each before an officer authorized to administer oaths, and to provide the forms for the same.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTION

Mr. Miller offered the following Senate Resolution, to-wit:

S. R. 58. COMMENDING DR. B. R. JUSTICE.

Which was adopted.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 43. CONGRATULATING COACH PAUL BRYANT ON HIS 314TH CAREER VICTORY AND ON REACHING THE RECORD HELD BY AMOS ALONZO STAGG.

Also:

S. J. R. 47. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN COACH PAUL WILLIAM BRYANT.

Also:

S. J. R. 56. COMMENDING ROCKY RIDGE ELEMENTARY SCHOOL ON ITS DESIGNATION AS A PHYSICAL FITNESS DEMONSTRATION CENTER.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. Acting Presiding Officer:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

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H. 13. To increase from fifty dollars per month to one hundred dollars per month the expense allowance received by certain Jefferson County officials in lieu of being provided an automobile by the County.

Also:

H. J. R. 65. Relative to legislative meeting date on November 30, 1981.

Also:

H. J. R. 70. Relative to sine die adjournment.

Also:

H. J. R. 74. COMMENDING THE RANBURNES HIGH SCHOOL BULLDOGS ON AN OUTSTANDING 1981 FOOTBALL SEASON.

Also:

H. J. R. 75. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON CERTAIN PROPOSED CONSTITUTIONAL AMENDMENTS; PROVIDING FOR CERTAIN EXCEPTIONS; AND REPEALING ACT NO. 81-673, H. J. R. 377 OF THE 1981 REGULAR SESSION.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. Acting Presiding Officer:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 24. To prescribe that no more than one commercial hazardous waste treatment facility or disposal site shall be situated in any one county and to require legislative approval for any such commercial hazardous waste treatment facility or disposal site.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 38. Relating to Coffee County; providing for a referendum election or elections to submit to the qualified electors of Coffee County the question whether the Coffee County Commission shall be authorized to levy and impose a county sales tax and a county use tax; providing for the authority of the Coffee County Commission to levy such taxes generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, respectively; providing certain additional exemptions from such taxes; specifying the rates at which those taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the proceeds of those taxes if levied by the Coffee County Commission, and for the enforcement of this Act by the State Department of Revenue; providing for the termination of the taxes authorized to be levied hereunder; and prescribing penalties and fixing punishment for violations of this Act.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 20. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in the State of Alabama so as to provide two district court judges for Lee County and to provide for the time of establishment of such judgeship No. 2 and for the appointment of and election of such additional district judge.

Also:

S. 48. To authorize the Tallapoosa County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 25. Relating to the eradication of brucellosis in livestock: To make an appropriation to the Department of Agriculture and Industries for the fiscal year 1981-1982 from the general fund into the agricultural fund; to indemnify owners of livestock for the value of any livestock ordered condemned and destroyed for the prevention of brucellosis in livestock.

Also:

S. 61. To provide for executing "self proving" wills by the testator and affidavits of witnesses each before an officer authorized to administer oaths, and to provide the forms for the same.

Also:

S. J. R. 43. CONGRATULATING COACH PAUL BRYANT ON HIS 314TH CAREER VICTORY AND ON REACHING THE RECORD HELD BY AMOS ALONZO STAGG.

Also:

S. J. R. 47. EXPRESSING ALABAMA'S TREMENDOUS PRIDE IN COACH PAUL WILLIAM BRYANT.

Also:

S. J. R. 56. COMMENDING ROCKY RIDGE ELEMENTARY SCHOOL ON ITS DESIGNATION AS A PHYSICAL FITNESS DEMONSTRATION CENTER.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. Acting Presiding Officer:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 79. To amend Section 24-1A-9 of the Code of Alabama 1975, which provides that the Alabama Housing Authority shall not issue any bonds,

other than refunding bonds, subsequent to March 31, 1982, to extend said date until December 31, 1983.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. Acting Presiding Officer:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 74. To make legislative findings respecting the need to make alternative appropriations to the previous appropriation made in Act No. 81-764 enacted at the 1981 Regular Session of the Legislature to the use of the Board of Corrections for capital expenditures and the previous appropriation made in Act No. 81-770 enacted at the 1981 Regular Session of the Legislature to the use of the Department of Mental Health for capital expenditures in the event that the moneys from which such appropriations were made are subsequently transferred into The Alabama Heritage Trust Fund as a result of the adoption of a proposed amendment to the Constitution of Alabama of 1901 creating said Trust Fund; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-764 and to terminate such appropriation from said Trust Fund under certain circumstances; to appropriate moneys from said Trust Fund in order to provide an alternative source of moneys for the appropriation made in said Act No. 81-770 and to terminate such appropriation from said Trust Fund under certain circumstances; to provide that such appropriations from said Trust Fund shall not be subject to proration; and to provide that the provisions of this Act shall be severable.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. Acting Presiding Officer:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 38. Relating to Coffee County; providing for a referendum election or elections to submit to the qualified electors of Coffee County the question

whether the Coffee County Commission shall be authorized to levy and impose a county sales tax and a county use tax; providing for the authority of the Coffee County Commission to levy such taxes generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, and the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended, respectively; providing certain additional exemptions from such taxes; specifying the rates at which those taxes may be levied; providing for the ascertainment, collection, payment, distribution and use of the proceeds of those taxes if levied by the Coffee County Commission, and for the enforcement of this Act by the State Department of Revenue; providing for the termination of the taxes authorized to be levied hereunder; and prescribing penalties and fixing punishment for violations of this Act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

### RESOLUTION

Mr. Smith offered the following Senate Resolution, to-wit:

S. R. 59. COMMENDING THE 1981 HUNTSVILLE HIGH SCHOOL FOOTBALL TEAM ON ADVANCING TO THE SEMI-FINALS OF THE STATE CLASS 4-A FOOTBALL CHAMPIONSHIP PLAYOFFS.

Which was adopted.

### CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cook, further consideration of the Bill, H. B. 47, was indefinitely postponed.

### REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 14

S. B. 28

S. J. R. 33

S. J. R. 37

S. J. R. 38

Delivered to the Governor November 30, 1981, at 1:35 P.M.

S. B. 20

S B. 48

Delivered to the Governor November 30, 1981, at 3:45 P.M.

S. B. 25

S. B. 61

S. J. R. 43

S. J. R. 47

S. J. R. 56

Delivered to the Governor November 30, 1981, at 4:55 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Ninth and Tenth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Ninth and Tenth Legislative Days were approved by the Senate.

#### ADJOURNMENT

At 3:30 P.M., on motion of Mr. Teague, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

/s/McDOWELL LEE,

McDOWELL LEE,  
Secretary of Senate.



**IN THE LEGISLATURE OF THE STATE OF ALABAMA****STATE SENATE****THIRD EXTRAORDINARY SESSION****LOBBYIST REGISTRATION**

(In accordance with the provisions of Joint Rules of the two houses of the Alabama Legislature, Rules 15-23)

Addison, Bill F., West Point Pepperell, Inc.

Akers, Dawn H., Electronic Data Systems.

Amos, Doug, Alabama League of Savings Association.

Arrington, Richard H., Southern Railway Company.

Barker, Elizabeth A., Alabama State Nurses Association.

Biede, Herman Charles, Texaco, Inc.

Boone, Robert C., Gulf Oil Corporation.

Brand, James B., Associated Industries of Alabama.

Brindley, Joe, University of Montevallo

Brown, David C., University of North Alabama.

Bryars, C. H., Alabama Wildlife Federation.

Cates, Phil, Tenneco, Inc.

Chamlee, Al S., Ciba-Geigy Corp.

Chandler, Roy A., Electronic Data Systems Corp.

Christie, Martin William, Jim Walter Corporation; U. S. Pipe and Foundry.

Cobb, William J., South Central Bell.

Coleman, Thomas L., Jr., Alabama Department of Public Safety, Executive Branch.

Cornwell, Denise Blackburn, Alabama Education Association.

Cunningham, R. J., Alabama Association of Life Underwriters; Alabama Hotel & Motel Association; Alabama Travel Council; Prof. Agents of AL; AL Crushed Stone Assn.; AL Surface Mining Environmental Assn.; Telepage; AL Automatic Merchandising Council.

Davidson, James Rudolph, University of Alabama in Birmingham.

Dexter, Kendall P., MacMillan—Bloener, Inc.

Douglas, Jack F., Alabama Citizens Action Program.

Eader, Michael E., Alabama Association of School Boards.

Englehardt, Sam, Alabama Power Company.

- Filgo, John Frank, U. S. Brewers Association, Inc.  
Fulford, William J., III, University of South Alabama.  
Gibson, Don, Troy State University.  
Gilbert, Don, Independent Bankers; Alabama Trial Lawyers.  
Graffeo, Michael G., (Mike), City of Birmingham.  
Gray, James A., Alabama Road Builders Association, Inc.  
Green, William L., Alabama By-Products Corporation.  
Guillebeaux, A. Jack, Fededration of Child Care Centers, Inc.  
Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Assn.;  
Jim Walter Corporation; South Alabama State Fair Assn., Inc.  
Harper, Sentell, Reynolds Aluminum.  
Harris, Patrick, Unified Judicial System.  
Hartsell, Charles Ray, Blue Cross & Blue Shield of Alabama.  
Holsenbeck, Dan, Auburn University.  
Hydrick, Robert T., The Mead Corporation.  
Johnson, John B., Alabama Petroleum Council.  
Johnston, J. Reese, Jr., Jefferson County.  
Jones, William R., University of Alabama.  
Jordan, James V., III, Southern Natural Gas Co.  
Livingston, Edwin K., Alabama Tax Assessors and Collectors.  
McGarr, Steven Gregory, Building Material Merchants Association.  
McDonald, Charles, Alabama Retail Association.  
McGregor, Tom, Alabama Gas Corporation.  
Mann, Floyd H., University of Alabama.  
Mathews, Pete, Alabama Retail Association.  
Mawhinney, H. A. "Art", Alabama Wholesale Beer and Wine Association.  
Mobley, Gilbert, Associated Industries of Alabama.  
Nix, Lloyd, Communication Workers of America.  
O'Connor, William F. Jr., Alabama Press Association.  
O'Rear, William G., Mid Continent Oil & Gas Association.  
Parsons, Milton K., Alabama Farm Bureau Federation.  
Powell, Jerry A., Jr., Alabama Nursing Home Association.  
Powell, Thomas Marshall, University of South Alabama Medical Center.

Pregno, Nanette, United Transportation Union.  
Richardson, E. Clark, Alabama Power Company.  
Rodawig, William Eric, Household International, Inc.  
Rowe, Charlie, Jacksonville State University.  
Russell, Roy Otis, Alabama Concrete Industries Association.  
Sharpless, Oscar, Association of County Commissions of Alabama.  
Sorrells, Reginald Lee, Association of County Commissions of Alabama.  
Spencer, Jerry W., Modern Banking Association of Alabama.  
Spratt, Ronald Lee, City of Birmingham.  
Stallworth, Lavoisier Jerome, Self.  
Thiemonge, Frank, Jr., Alabama Safety Council, Inc.  
Tye, Marvin F., Alabama Wildlife Federation.  
Underwood, Kenneth, South Central Bell.  
Vaughan, Howard, Liberty National Life Insurance Company.  
Wasson, Don F., Alabama Mining Institute.  
Watkins, John F., Alabama League of Municipalities.  
Wegener, Edward, Alabama ETV Commission.  
Welch, Felix M., Department of Agriculture & Industries.  
Whitaker, Richard C., Medical Association of the State of Alabama.  
Wiley, Darryl, Self.  
Wilson, R. Bates, Jim Walter Corporation; U. S. Pipe and Foundry.  
Wilson, Robert T., Blue Cross & Blue Shield of Alabama.

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# **ROSTER OF THE SENATE OF ALABAMA**

**1981**

George D. H. McMillan, Jr., <i>Lieutenant Governor</i>	State Capitol, Montgomery
Finis St. John, <i>President Pro-Tem</i>	Cullman
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
<b>First Senatorial District</b>	
Bobby Denton	1st Colbert Natl. Bank, P. O. Drawer B, Sheffield 35660
<b>Second Senatorial District</b>	
Charlie Britnell	Northwest Alabama State Junior College, Phil Campbell 35851
<b>Third Senatorial District</b>	
Charles B. Martin	P. O. Box 2204, Decatur 35602
<b>Fourth Senatorial District</b>	
Finis St. John	P. O. Drawer K, Cullman 35055
<b>Fifth Senatorial District</b>	
Robert (Bob) Hall	2601 Carson Road, Birmingham 35215
<b>Sixth Senatorial District</b>	
Albert McDonald	Route 1, Madison 35758
<b>Seventh Senatorial District</b>	
Bill Smith	2009 Gallatin St. S.W., Huntsville 35801
<b>Eighth Senatorial District</b>	
James Lemaster	Route 2, Box 228, Scottsboro 35768
<b>Ninth Senatorial District</b>	
Hinton Mitchem	P. O. Box 297, Albertville 35950
<b>Tenth Senatorial District</b>	
Larry H. Keener	816 Chestnut St., Gadsden 35901
<b>Eleventh Senatorial District</b>	
Dewey White	P. O. Box 7685A, Birmingham 35223
<b>Twelfth Senatorial District</b>	
Paschal P. "Pat" Vacca	1617 Mountain Dr., Tarrant 35217
<b>Thirteenth Senatorial District</b>	
J. Richmond Pearson	Citizens Federal Building, P. O. Box 11135, Birmingham 35202
<b>Fourteenth Senatorial District</b>	
Mac Parsons	603 City Federal Building, Birmingham 35203
<b>Fifteenth Senatorial District</b>	
Earl F. Hilliard	P. O. Box 11385, Birmingham 35202
<b>Sixteenth Senatorial District</b>	
Ryan deGraffenried, Jr.	P. O. Box 2427, Tuscaloosa 35401

## Seventeenth Senatorial District

Doug Cook ..... P. O. Box 6223-A, Tarrant 35217

## Eighteenth Senatorial District

Lister Hill Proctor ..... 121 North Norton Ave.,  
Sylacauga 35150

## Nineteenth Senatorial District

John A. Teague ..... P. O. Box 427, Childersburg 35044

## Twentieth Senatorial District

Donald G. Holmes ..... 1915 Robinhood Dr.,  
Oxford 36203

## Twenty-first Senatorial District

T. D. "Ted" Little ..... P. O. Box 342, Auburn 36830

## Twenty-second Senatorial District

G. J. "Dutch" Higginbotham ..... Troy State University,  
P. O. Box 2545, Troy 36081

## Twenty-third Senatorial District

Mike Weeks ..... P. O. Box 322, Troy 36081

## Twenty-fourth Senatorial District

Chip Bailey ..... P. O. Box 6791, Dothan 36302

## Twenty-fifth Senatorial District

Wallace Miller ..... 100½ No. Main, Enterprise 36330

## Twenty-sixth Senatorial District

Don Harrison ..... 516 S. Perry St., Montgomery 36104

## Twenty-seventh Senatorial District

Bishop N. Barron ..... P. O. Box 221  
Montgomery 36101

## Twenty-eighth Senatorial District

Cordy Taylor ..... P. O. Box 596, Prattville 36067

## Twenty-ninth Senatorial District

Earl Goodwin ..... Rt. 7, Box 488, Selma 36701

## Thirtieth Senatorial District

Edward D. "Big Ed" Robertson ..... P. O. Box 331, Northport 35476

## Thirty-first Senatorial District

Reo Kirkland, Jr. .... P. O. Box 646, 102 St. Joseph,  
Brewton 36426

## Thirty-second Senatorial District

Robert I. "Bob" Gullledge ..... P. O. Drawer 3376,  
Robertsdale 36567

## Thirty-third Senatorial District

Michael A. Figures ..... 1407 Davis Avenue, Mobile 36603

## Thirty-fourth Senatorial District

H. L. "Sonny" Callahan ..... P. O. Box 1208, Mobile 36601

## Thirty-fifth Senatorial District

Bob Glass ..... 733 Lakeshore Dr. W., Mobile 36609

**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1981**

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**FINANCE AND TAXATION**

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, Cook, Denton, Glass, Gulledge, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

**RULES**

McDonald, Chairman; Harrison, Vice-Chairman; Teague, Higginbotham, Mitchem, Pearson, St. John.

**JUDICIARY**

deGraffenried, Chairman; Figures, Vice-Chairman; Barron, Britnell, Cook, Harrison, Hilliard, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

**GOVERNMENTAL AFFAIRS**

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gulledge, Hall, Hilliard, Holmes, Lemaster, Parsons, Proctor.

**AGRICULTURE, CONSERVATION AND FORESTRY**

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gulledge, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

**BUSINESS AND LABOR RELATIONS**

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Figures, Glass, Harrison, Hilliard, Little, Weeks.

**EDUCATION**

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Hilliard, Little, Taylor, White.

**HEALTH AND WELFARE**

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

**BANKING AND INSURANCE**

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gulledge, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

COMMERCE, TRANSPORTATION AND UTILITIES

Teague, Chairman; Callahan, Vice-Chairman; Goodwin, Keener, Kirkland, Martin, Parsons, Weeks, White.

LOCAL LEGISLATION NO. 1

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hall, Vice-Chairman; Cook, Hilliard, Parsons, Pearson, Proctor, White.

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**STANDING COMMITTEE ASSIGNMENTS  
FOR 1981**

**ALABAMA STATE SENATE**

**24th District**

**CHIP BAILEY**—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

**27th District**

**BISHOP N. BARRON**—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

**2nd District**

**CHARLIE BRITNELL**—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

**34th District**

**H. L. "SONNY" CALLAHAN**—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**17th District**

**DOUG COOK**—Finance and Taxation; Judiciary; Governmental Affairs; Banking and Insurance; Local Legislation No. 2.

**16th District**

**RYAN deGRAFFENRIED, JR.**—Chairman, Judiciary; Health and Welfare; Local Legislation No. 1.

**1st District**

**BOBBY DENTON**—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

**33rd District**

**MICHAEL A. FIGURES**—Vice-Chairman, Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

**35th District**

**BOB GLASS**—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**29th District**

**EARL GOODWIN**—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

**32nd District**

**ROBERT I. "BOB" GULLEDGE**—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

**5th District**

**ROBERT "BOB" HALL**—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.



## 26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

## 22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

## 15th District

EARL F. HILLIARD—Judiciary; Education; Business and Labor Relations; Governmental Affairs; Local Legislation No. 2.

## 20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

## 10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Commerce, Transportation and Utilities.

## 31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

## 8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

## 21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

## 3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

## 6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

## 25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

## 9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

## 14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

## 13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Local Legislation No. 2.

## 18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

## 30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

## 4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

## 7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

## 28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

## 19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Rules; Banking and Insurance.

## 12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

## 23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

## 22th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

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## HOUSE OF REPRESENTATIVES

## THIRD EXTRAORDINARY SESSION, 1981

## ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66	Roy W. Johnson, Jr., 47
H. H. "Bill" Adams, 30	Phillip "Phil" B. Kelley, 26
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	Stephen A. McMillan, 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
William Clark, 98	Arthur Payne, 15
Wayne Cobb, 5	Leigh Pegues, 86
Tom C. Coburn, 3	Walter E. Penry, Jr., 94
Steve Cooley, 10	T. Euclid Rains, Sr., 25
W. F. "Noopie" Cosby, Jr., 85	James E. Ray, 68
Bobby C. Crow, 58	Thomas Reed, 67
Gene Daniels, 73	Frank Riddick, 18
Gerald O. Dial, 60	Tommy Ed Roberts, 9
Larry D. Dixon, 81	J. Thomas Sandusky, 100
Bill Drinkard, 29	James G. Sasser, 69
William D. Edwards, 83	George Seibels, 32
Sundra E. Escott, 45	Cecil Shavers, 23
Joe M. Ford, 28	Wallace Shoemaker, 55
Robert C. "Bob" Gafford, 33	Curtis Smith, 53
Charles T. Gilmer, 6	James P. Smith, 17
J. W. "Joe" Goodwin, 4	Martha Jo Smith, 21
Richard Gregg, 19	Nelson R. Starkey, Jr., 2
George H. Grimsley, 70	George Stewart, 104
E. A. Grouby, Jr., 82	J. David Stout, 24
Albert Hall, 22	Hoyt W. Trammell, 36
Seth Hammett, 75	Jerome Tucker, 43
Owen Harper, 62	J. E. Turner, 96
Taylor F. Harper, 105	Pete Turnham, 63
A. L. "Tony" Harrison, 44	Jack B. Venable, 76
Bob Harvey, 27	J. T. "Jabo" Waggoner, Jr., 51
John E. Higginbotham, 1	Shelby Dean Ward, 64
L. Brooks Hines, 91	J. E. "Jimmy" Warren, 93
Jimmy W. Holley, 74	Charles W. Whatley, 65
Alvin Holmes, 80	R. Nolan Williams, 72
William Fred Horn, 39	Gerald Willis, 57
Asbury Howard, 49	Cecil Wyatt, 78
Ronald E. Jackson, 38	Mary S. Zoghby, 102
Ronald G. Johnson, 54	

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA**

1981

## **THIRD EXTRAORDINARY SESSION**

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY  
*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

## **MEMBERS OF THE HOUSE**

Dist. No.	Counties	Name	Address
1	LAUDERDALE	John E. Higginbotham	Rt. 11, Box 158, Florence 35630
2	LAUDERDALE	Nelson R. Starkey, Jr.	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley	P. O. Box 1186, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield	P. O. Box G, Carbon Hill 35549

- 13 WALKER  
Alvis Naramore ..... 5th Avenue, 19th Street, Jasper 35501
- 14 JEFFERSON, BLOUNT  
Earl Cheatwood ..... Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON  
Arthur Payne ..... 2825 2nd. St., N. W. Birmingham 35215
- 16 LIMESTONE  
Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
James P. (Jim) Smith ..... 108 South Side Square  
Huntsville 35801
- 18 MADISON  
Frank H. Riddick ..... 7804 Lauderdale Rd., S. W.,  
Huntsville 35802
- 19 MADISON  
Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810
- 20 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., N. E.,  
Huntsville 35811
- 21 MADISON  
Martha Jo Smith ..... 1700 Big Cove Rd., S. E.,  
Huntsville 35801
- 22 MADISON, JACKSON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout ..... P. O. Box 1106, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486,  
Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... 117 Arcade St. E., Gadsden 35903
- 29 ETOWAH  
Bill Drinkard ..... P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON  
W. J. (Bill) Cabaniss ..... P. O. Box 57032,  
Birmingham 35209

- 32 JEFFERSON  
George Seibels ..... 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON  
Robert C. (Bob) Gafford ..... 5345 Division Ave.,  
Birmingham 35212
- 34 JEFFERSON  
John E. Amari ..... 9636 Parkway E., Birmingham 35215
- 35 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON  
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON  
Jim Bennett ..... Marshall, Bennett & Company  
Suite 616, Woodward Bldg.,  
1927 1st Ave. N., Birmingham 35203
- 38 JEFFERSON  
Ronald E. Jackson ..... 1324 Elmwood St.,  
Birmingham 35211
- 39 JEFFERSON  
William Fred Horn ..... 333 16th Ave. S. W.,  
Birmingham 35211
- 40 JEFFERSON  
J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218
- 41 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 42 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle,  
Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ..... Suite 1722, 2121 Building, 8th Ave. N.,  
Birmingham 35203
- 44 JEFFERSON  
A. L. (Tony) Harrison ..... 1630 4th Ave., No.,  
Birmingham 35203
- 45 JEFFERSON  
Sundra E. Escott ..... P. O. Box 8172, Birmingham 35218
- 46 TUSCALOOSA  
Park Barton ..... P. O. Box 338, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. .... Route 4, Box 140,  
Tuscaloosa 35405
- 48 TUSCALOOSA, BIBB  
Walter Owens ..... 107 Court Sq. West,  
Centreville 35042

- 49 TUSCALOOSA, JEFFERSON  
Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON  
M. Duane Lewis ..... 1129 4th Ave. N., Bessemer 35020
- 51 JEFFERSON, SHELBY  
J. T. (Jabo) Waggoner, Jr. .... 1829 Mission Rd.,  
Birmingham 35216
- 52 JEFFERSON, SHELBY, TALLADEGA  
Sonny Moore ..... P. O. Box 44,  
Sterrett 35147
- 53 CHILTON, SHELBY  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045
- 54 COOSA, TALLADEGA  
Ronald G. Johnson ..... Route 5, Box 17,  
Sylacauga 35150
- 55 TALLADEGA  
Wallace Shoemaker ..... 15 Cliff Rd., Childersburg 35044
- 56 ST. CLAIR, CALHOUN  
A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125
- 57 CALHOUN  
Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN  
Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201
- 59 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 60 CLAY, CLEBURNE, TALLADEGA  
Gerald O. Dial ..... Box 248, Lineville 36266
- 61 RANDOLPH, CHAMBERS  
Richard Laird ..... Bonner Dr., Roanoke 36274
- 62 TALLAPOOSA, CHAMBERS  
Owen Harper ..... 502 Lilly Ave.,  
E. Tallassee 36023
- 63 TALLAPOOSA, LEE, CHAMBERS  
Pete Turnham ..... P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE  
Shelby Dean Ward ..... P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR  
Charles W. Whatley ..... Rt. 5, Box 296, Opelika 36801
- 66 RUSSELL  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 67 MACON, BULLOCK  
Thomas Reed ..... Drawer EE, Tuskegee Institute,  
Tuskegee 36088

- 68 PIKE, COFFEE, BULLOCK, BARBOUR  
James E. Ray ..... 104 Woodland Circle,  
Troy 36081
- 69 DALE, BARBOUR, HENRY  
James G. Sasser ..... 1208 Skipperville Rd.,  
Ozark 36360
- 70 HOUSTON, HENRY, BARBOUR  
George H. Grimsley ..... Rt. 1, Columbia 36319
- 71 HOUSTON  
Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301
- 72 DALE  
R. Nolan Williams ..... Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON  
Gene Daniels ..... Rt. 2, Box 207, Samson 36477
- 74 COVINGTON, COFFEE  
Jimmy W. Holley ..... Rt. 3, Box 191 E. Elba 36323
- 75 COVINGTON  
Seth Hammett ..... P. O. Box 1418, Andalusia 36420
- 76 ELMORE  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 77 MONTGOMERY  
Charles D. Langford ..... 352 Dexter Ave.,  
Montgomery 36104
- 78 MONTGOMERY, CRENSHAW  
Cecil Wyatt ..... P. O. Box 1, Ramer 36069
- 79 MONTGOMERY  
Bob McKee ..... P. O. Box 424, Montgomery 36102
- 80 MONTGOMERY  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 81 MONTGOMERY  
Larry Dixon ..... State Board Medical Examiners  
P. O. Box 946, Montgomery 36102
- 82 AUTAUGA, ELMORE, LOWNDES, MONTGOMERY  
E. A. Grouby, Jr. .... P. O. Box 188,  
Prattville 36067
- 83 WILCOX, LOWNDES, DALLAS  
William D. Edwards ..... Rt. 1, Box 180A, Fort Deposit 36032
- 84 BUTLER, CRENSHAW  
Eric O. Cates, Jr. .... Rt. 2, Box 320, Greenville 36037
- 85 DALLAS, AUTAUGA  
William F. (Noopie) Cosby, Jr. .... 201 Ruth St.,  
Selma 36701
- 86 DALLAS, PERRY, MARENGO  
Leigh Pegues ..... 204 East Early St., Marion 36756



- 87 MARENGO, SUMTER, HALE, GREENE  
Richard S. (Rick) Manley ..... P. O. Drawer U,  
Demopolis 36732
- 88 GREENE, PICKENS, TUSCALOOSA, HALE  
George Clark ..... Box 6, Eutaw 35462
- 89 TUSCALOOSA, PICKENS  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 90 SUMTER, CHOCTAW  
Preston (Mann) Minus, Jr. .... P. O. Box 969,  
Livingston 35470
- 91 ESCAMBIA  
L. Brooks Hines ..... P. O. Box 345, Brewton 36426
- 92 CLARKE, MONROE  
Joe C. McCorquodale, Jr. .... P. O. Box 928,  
111 W. Church St., Jackson 36545
- 93 MONROE, CONECUH, ESCAMBIA  
J. E. (Jimmy) Warren ..... P. O. Box 207,  
Castleberry 36432
- 94 BALDWIN  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
- 95 BALDWIN, MOBILE  
Stephen A. McMillan ..... P. O. Box 337, Bay Minette 36507
- 96 WASHINGTON, MOBILE  
J. E. Turner ..... P. O. Box 777, Citronelle 36522
- 97 MOBILE  
V. M. Parker ..... 504 Woodlore Dr., Chickasaw 36611
- 98 MOBILE  
William Clark ..... P. O. Box 10434, Prichard 36610
- 99 MOBILE  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 MOBILE  
J. Thomas (Tommy) Sandusky ..... P. O. Box 9338,  
Mobile 36691
- 101 MOBILE  
Ann Bedsole ..... 25 Edgefield Rd., Mobile 36608
- 102 MOBILE  
Mary S. Zoghby ..... 2862 Hilburn Dr., Mobile 36606
- 103 MOBILE  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
- 104 MOBILE  
George Stewart ..... 4413 S. Shan Dr., Mobile 36609
- 105 MOBILE  
Taylor F. Harper ..... P. O. Box 208, Grand Bay 36541
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